

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,

Plaintiff,

v.

JOSEPH BONGIOVANNI,

Defendant.

Case No. 1:19-cr-227
(LJV)

September 23, 2024

TRANSCRIPT EXCERPT - EXAMINATION OF RONALD SERIO - DAY 3
BEFORE THE HONORABLE LAWRENCE J. VILARDO
UNITED STATES DISTRICT JUDGE

APPEARANCES:

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(Excerpt commenced at 9:49 a.m.)

(Jury seated at 9:49 a.m.)

THE COURT: Okay. Good morning, everyone.

ALL PARTIES: Good morning, the record will reflect that all our jurors are present again. We'll go until 5:30 today and tomorrow, and then until 5 on Wednesday and Thursday, we'll be down on Friday.

I remind the witness that he's still under oath.

And, Mr. MacKay, you may continue.

R O N A L D S E R I O, having been previously duly called and sworn, continued to testify as follows:

(CONT'D) CROSS-EXAMINATION BY MR. MacKAY:

Q. All right. Good morning, Mr. Serio.

A. Good morning.

Q. I kind of realized I was talking a little quickly at the end of Friday, so we might have flown through some stuff and

09:50AM 1 I want to go back and clarify some things to get us
09:50AM 2 recentered here.

09:50AM 3 All right. So you told us after Wayne Anderson's
09:50AM 4 arrest in November of 2012, you had stopped drug dealing,
09:51AM 5 correct?

09:51AM 6 A. Correct.

09:51AM 7 Q. So you're out for about six months or so, correct?

09:51AM 8 A. Yes.

09:51AM 9 Q. And then you reconnect with Mark Kagan, correct?

09:51AM 10 A. Correct.

09:51AM 11 Q. At that time, you understand you're getting marijuana
09:51AM 12 from Jarrett Guy, but it's through Mark Kagan, correct?

09:51AM 13 A. Correct.

09:51AM 14 Q. Now after about six months of that, you cut Mark Kagan
09:51AM 15 out completely, and it's all through Jarrett Guy going
09:51AM 16 forward, correct?

09:51AM 17 A. Right.

09:51AM 18 Q. Now, so that puts you at about the end of 2013 or early
09:51AM 19 2014?

09:51AM 20 A. Correct.

09:51AM 21 Q. Okay. And so the first half of 2013 when you're out of
09:51AM 22 the game, you're not receiving any shipments at your house,
09:51AM 23 correct?

09:51AM 24 A. Correct.

09:51AM 25 Q. You're not doing packaging or anything like that at your

09:51AM 1 house?

09:51AM 2 A. Correct.

09:51AM 3 Q. And I'm talking about 697 Lebrun.

09:51AM 4 A. Correct.

09:51AM 5 Q. So you know there's no drug activity going on at that

09:52AM 6 address, correct?

09:52AM 7 A. Correct.

09:52AM 8 Q. You're not running around to grow operations or anything

09:52AM 9 like that, correct?

09:52AM 10 A. Correct.

09:52AM 11 Q. Because you were trying to put as much distance between

09:52AM 12 you and drug dealing activity at that time, correct?

09:52AM 13 A. Correct.

09:52AM 14 Q. Okay. I think I covered this but, you know, moving into

09:52AM 15 2015, you are going to the casino a lot, correct?

09:52AM 16 A. Correct.

09:52AM 17 Q. And you're getting flagged at secondary inspection,

09:52AM 18 correct?

09:52AM 19 A. Correct.

09:52AM 20 Q. But you're never receiving any directions through Mike

09:52AM 21 Masecchia about how to avoid or mitigate that, correct?

09:52AM 22 A. Correct.

09:52AM 23 Q. Now, in October of 2015 --

09:52AM 24 **MR. MacKAY:** Ms. Champoux, can we show Government

09:52AM 25 Exhibit 22Q?

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BY MR. MacKAY:

Q. So about this timeframe, summer of 2015, you're not receiving any information that DHS or HSI is looking into you, correct?

A. Correct.

MR. MacKAY: We can take that down, Ms. Champoux.

BY MR. MacKAY:

Q. Okay. Now, I want to go through a couple properties that were associated with you, I think.

MR. MacKAY: Ms. Champoux, can we show Government Exhibit 42A-30.

BY MR. MacKAY:

Q. And I think we covered this on direct. This was a tote box you had with the keys to various rental properties, correct?

A. Correct.

Q. So all the properties in this tote, you either owned directly or indirectly, correct?

A. Correct.

Q. Now, so 42 Norwalk. That's not on there. But is that a property you own?

A. 42 Norwalk? No.

Q. That was not?

A. Well, maybe at some point I might have bought and sold it years ago.

09:53AM 1 Q. Okay. Yeah, I just want to touch on that.

09:53AM 2 I think you told us on direct that one of the ways you
09:53AM 3 did grow operations was to buy a property, correct?

09:54AM 4 A. Correct.

09:54AM 5 Q. And when you're in the rehab and flipping stage, that's
09:54AM 6 when you do the grow operation, correct?

09:54AM 7 A. Correct.

09:54AM 8 Q. And then that might only be for, like, one or two grows,
09:54AM 9 correct?

09:54AM 10 A. Correct.

09:54AM 11 Q. Remind us again, how long is an indoor grow?

09:54AM 12 A. About two and a half months a cycle.

09:54AM 13 Q. So you're talking about five months a house might be used
09:54AM 14 for the grow operations, if you're doing that sort of method
09:54AM 15 for flipping property?

09:54AM 16 A. Correct.

09:54AM 17 Q. And then after that, it would be just legitimate rental
09:54AM 18 property, correct?

09:54AM 19 A. Correct.

09:54AM 20 Q. Okay. Now, 467 Tacoma, this circle that's in the upper
09:54AM 21 left of the tote. That was one of your properties, correct?

09:54AM 22 A. Correct.

09:54AM 23 Q. Was there ever a grow operation located there, to your
09:54AM 24 recollection?

09:54AM 25 A. No.

09:54AM 1 Q. Okay. Now I'm circling in the bottom, 469 Tacoma. That
09:54AM 2 was -- would that be, like, a neighboring property?
09:54AM 3 A. Yes.
09:54AM 4 Q. Okay. No grow operation at that location?
09:54AM 5 A. No. At this time period, I wasn't growing in any of
09:55AM 6 these houses. It was more early on.
09:55AM 7 Q. Sure. And were there any grow operations associated with
09:55AM 8 that -- those properties if you can recall?
09:55AM 9 A. No, just Sycamore and Michigan.
09:55AM 10 Q. Okay. Yeah. And so Sycamore and Michigan, that's the
09:55AM 11 joint warehouses on the corner of Sycamore and Michigan,
09:55AM 12 correct?
09:55AM 13 A. Correct.
09:55AM 14 Q. Now, for those properties, you had stopped growing at
09:55AM 15 that location in 2010?
09:55AM 16 A. Correct.
09:55AM 17 Q. You had done some earlier attempts at it, but then no
09:55AM 18 more growing after 2010?
09:55AM 19 A. Correct.
09:55AM 20 Q. Now, moving forward after 2010, I think you told us
09:55AM 21 occasionally you might receive a delivery there, correct?
09:55AM 22 A. Correct.
09:55AM 23 Q. But you never really stored drugs there, correct?
09:55AM 24 A. Very rarely.
09:55AM 25 Q. Yeah, I mean, I think what you told us on direct is while

09:55AM 1 you might unload something there, you generally took it right
09:55AM 2 immediately to your Lebrun residence, correct?

09:55AM 3 A. Correct.

09:55AM 4 Q. And the MDMA pills we went through the pictures of, that
09:55AM 5 was sort of an anomaly?

09:56AM 6 A. Correct.

09:56AM 7 Q. By that I mean you weren't generally an MDMA dealer,
09:56AM 8 correct?

09:56AM 9 A. Correct.

09:56AM 10 Q. Your source of supply, Jarrett Guy, at the time had said
09:56AM 11 basically can you offload these for me, and you weren't able
09:56AM 12 to do that?

09:56AM 13 A. Correct.

09:56AM 14 Q. So you stuck them up under kind of a bump-out in the
09:56AM 15 drywall above the door, correct?

09:56AM 16 A. Correct.

09:56AM 17 Q. But otherwise, you know, moving forward from 2010, that
09:56AM 18 location was primarily -- the Sycamore-Michigan location is
09:56AM 19 used primarily for your legitimate real estate and property
09:56AM 20 rental businesses, correct?

09:56AM 21 A. Correct.

09:56AM 22 Q. That's why we saw on those photos there's a lot of, like,
09:56AM 23 raw materials for rehab there, correct?

09:56AM 24 A. Correct.

09:56AM 25 Q. It wasn't like you were keeping large duffel bags of

09:56AM 1 marijuana at that location?

09:56AM 2 A. Correct.

09:56AM 3 Q. If ever anything was unloaded, it was there for only a
09:56AM 4 brief period of time, correct?

09:56AM 5 A. Correct.

09:56AM 6 Q. Now I want to ask you about another name, Robert Mettal.

09:56AM 7 Is that somebody were you ever associated with?

09:56AM 8 A. Yes.

09:56AM 9 Q. In what capacity?

09:56AM 10 A. Like 30 years ago, I got marijuana from him.

09:57AM 11 Q. Okay. But moving into, like, the 2008 and forward
09:57AM 12 timeframe, you were never associated with him?

09:57AM 13 A. I was friends with him.

09:57AM 14 Q. Okay. Friends, but -- because I know there's a lot of
09:57AM 15 overlap between friends and associates. Was he specifically
09:57AM 16 just a friend, not drug associate?

09:57AM 17 A. Yes, specifically a friend.

09:57AM 18 Q. Okay.

09:57AM 19 A. Maybe an occasion or two, we would try to get a couple
09:57AM 20 pounds of marijuana, but besides that --

09:57AM 21 Q. Okay. Yeah, sorry, I made that question a lot longer
09:57AM 22 than it needed to be.

09:57AM 23 You wouldn't consider him one of your inner circle drug
09:57AM 24 associates, correct?

09:57AM 25 A. Correct.

09:57AM 1 Q. Okay. Now Jarrett Guy, we talked about him.

09:57AM 2 **MR. MacKAY:** Ms. Champoux, you can take 42A-30 down.

09:57AM 3 **BY MR. MacKAY:**

09:57AM 4 Q. So Jarrett Guy enters the picture fully for you kind of
09:57AM 5 end of 2013 into 2014, correct?

09:57AM 6 A. Correct.

09:57AM 7 Q. And I think you told us Friday that you never passed the
09:57AM 8 names of any of your sources to Mr. Masecchia, correct?

09:57AM 9 A. Correct.

09:57AM 10 Q. Now your understanding of the operation was, though, you
09:57AM 11 would be protected when shipments were coming in?

09:57AM 12 A. Correct.

09:58AM 13 Q. And those would be periodically, correct?

09:58AM 14 A. Correct.

09:58AM 15 Q. But I think you told us with Jarrett Guy, it wasn't
09:58AM 16 always, like, same time every month, correct?

09:58AM 17 A. Correct.

09:58AM 18 Q. You might get a phone call, and it could vary around the
09:58AM 19 time of the month, correct?

09:58AM 20 A. Correct.

09:58AM 21 Q. And the phone call would often just alert you it will be
09:58AM 22 coming in in a few days or something, correct?

09:58AM 23 A. Correct.

09:58AM 24 Q. It was never a hard schedule, you're working on this day
09:58AM 25 of the month, this location, we're getting drugs, correct?

09:58AM 1 A. Correct.

09:58AM 2 Q. And at that point in time, you never passed any of those

09:58AM 3 dates or anything to Mr. Masecchia?

09:58AM 4 A. Correct.

09:58AM 5 Q. Now, at this time, though, your understanding was

09:58AM 6 Mr. Masecchia was going to ensure that any shipments or

09:58AM 7 couriers coming to Buffalo were going to be looked out for,

09:58AM 8 correct?

09:58AM 9 A. Correct.

09:58AM 10 Q. So that it was your understanding that the way this

09:58AM 11 operation would work, was that if there was something that

09:58AM 12 had been flagged with one of these couriers, you would get a

09:58AM 13 notice to maybe back off?

09:59AM 14 A. Correct.

09:59AM 15 Q. Okay. Now, remind me again. Jarrett Guy starts with

09:59AM 16 packages in the mail, correct?

09:59AM 17 A. Correct.

09:59AM 18 Q. And over time, dealing with just the packages in the

09:59AM 19 mail, some of those didn't arrive, correct?

09:59AM 20 A. Correct.

09:59AM 21 Q. And you never got any tip-offs about those, correct?

09:59AM 22 A. Correct.

09:59AM 23 Q. You never received any information on the back end, like,

09:59AM 24 hey, here's the agency that took these packages, correct?

09:59AM 25 A. Correct.

09:59AM 1 Q. Then I think moving forward from the packages, it becomes
09:59AM 2 the U-Hauls, correct?

09:59AM 3 A. Correct.

09:59AM 4 Q. And that's when he's got couriers bringing the U-Hauls
09:59AM 5 into town, correct?

09:59AM 6 A. Correct.

09:59AM 7 Q. About the 2016 timeframe, one of those actually gets
09:59AM 8 arrested, correct? Or was it --

09:59AM 9 A. No. U-Hauls?

09:59AM 10 Q. Yeah. Do you recall there was an arrest of a courier in
09:59AM 11 2016?

09:59AM 12 A. I don't recall. Maybe. But it definitely wasn't a
09:59AM 13 U-Haul though.

09:59AM 14 Q. Do you recall if it was one of the tractor-trailers?

09:59AM 15 A. No.

09:59AM 16 Q. Okay. So you don't recall if a -- one of Jarrett Guy's
10:00AM 17 couriers being arrested at any point in time?

10:00AM 18 A. Through the mail, yes.

10:00AM 19 Q. Okay. Well, and so explain that. What does a courier
10:00AM 20 through the mail mean?

10:00AM 21 A. You get a hotel room, and then they would have the
10:00AM 22 package mailed to the hotel room. I believe two of those got
10:00AM 23 arrested.

10:00AM 24 Q. Okay. I think in the drug business, let's use maybe a
10:00AM 25 different term. When I say "courier," I mean somebody who's

10:00AM 1 kind of running the drugs from point A to point B. Are you
10:00AM 2 talking about someone who goes and gets the package and
10:00AM 3 brings it to a location?

10:00AM 4 A. Yes.

10:00AM 5 Q. Maybe that's a courier, but what I'm thinking of is
10:00AM 6 somebody who will pick up a package at a location that it
10:00AM 7 might be mailed to, and then take it to the actual location
10:00AM 8 to where the drugs are going to end up; is that what you're
10:00AM 9 talking about?

10:00AM 10 A. Yes.

10:00AM 11 Q. And you're saying in your timeframe when packages were
10:00AM 12 coming through the mail from Jarrett Guy, there were two
10:00AM 13 people arrested doing that, correct?

10:00AM 14 A. Correct.

10:00AM 15 Q. And, again, you never received any heads-up on that,
10:00AM 16 correct?

10:00AM 17 A. Correct.

10:01AM 18 Q. And you never received any information on the back end of
10:01AM 19 those arrests of who had arrested those individuals, correct?

10:01AM 20 A. Correct.

10:01AM 21 Q. Okay. Now, Anthony Gerace. You had never received any
10:01AM 22 information about him being looked into as an oxycodone
10:01AM 23 trafficker, correct?

10:01AM 24 A. Correct.

10:01AM 25 Q. You never received any information -- well, strike that.

10:01AM 1 I think we talked about on Monday, you're -- the reason
10:01AM 2 you started wanting to receive more protection and spend
10:01AM 3 money followed Dave Gambino's arrest in late 2009, correct?

10:01AM 4 A. Correct.

10:01AM 5 Q. You never came to learn that in connection with that same
10:01AM 6 investigation into Dave Gambino, that Anthony Gerace had
10:01AM 7 actually sat down and proffered, correct?

10:01AM 8 A. Correct.

10:01AM 9 Q. So what I mean is, you were never told through Mike
10:01AM 10 Masecchia that, hey, Anthony Gerace has gone in and talked
10:01AM 11 about people, correct?

10:01AM 12 A. Later on, after I started dealing with Anthony, Mike told
10:02AM 13 me.

10:02AM 14 Q. Okay. But at that point in time, back around Dave
10:02AM 15 Gambino's arrest and the timeframe that follows that, you
10:02AM 16 never heard about, correct?

10:02AM 17 A. Correct.

10:02AM 18 Q. Okay. And just to remind us, you dealt with Anthony
10:02AM 19 Gerace all the way up to, what? Late 2016?

10:02AM 20 A. To the time of my arrest.

10:02AM 21 Q. Okay. So you were still dealing with Anthony Gerace
10:02AM 22 right up until about April of 2017?

10:02AM 23 A. Correct.

10:02AM 24 Q. The name J.D., you were never provided a name -- that
10:02AM 25 name as an informant, correct?

10:02AM 1 A. Correct.

10:02AM 2 Q. Okay. Let's talk about R.K., he's one of the names you

10:02AM 3 said you were provided as an informant, correct?

10:02AM 4 A. Correct.

10:02AM 5 Q. Now, you got that information from Mike Masecchia,

10:02AM 6 correct?

10:02AM 7 A. Correct.

10:02AM 8 Q. Do you recall also learning from Frank Burkhardt that he

10:02AM 9 knew -- that Frank Burkhardt knew R.K. was an informant?

10:03AM 10 A. No, I learned from R.K. later on that he was an

10:03AM 11 informant.

10:03AM 12 Q. Okay. Yeah, so that's what I want to talk about. In

10:03AM 13 2015, there's a situation, you're in your car, I think it's

10:03AM 14 Kenmore Avenue, and R.K. jumps right into it, correct?

10:03AM 15 A. Yes, correct.

10:03AM 16 Q. And at that point in time, he tells you, hey, I'm an

10:03AM 17 informant, correct?

10:03AM 18 A. Correct.

10:03AM 19 Q. And he asks you for some money, correct?

10:03AM 20 A. Correct.

10:03AM 21 Q. And you gave him some money, right? Correct?

10:03AM 22 A. Correct.

10:03AM 23 Q. And then kind of just said go away?

10:03AM 24 A. Correct.

10:03AM 25 Q. Now, but you were also aware, though, sometime before,

1 that he'd been arrested for robbing the Poster Art store on
2 Elmwood, correct?

3 A. Correct.

4 Q. And after that point in time, he didn't come around
5 anymore, correct?

6 A. Correct.

7 Q. But you don't learn he's an informant until, like, a
8 while after that, correct?

9 A. Correct.

10 Q. Okay. So would that be fair to say you learned he's an
11 informant later in 2013?

12 A. Correct. Well, mid --

13 Q. Let me try to --

14 **MR. TRIPI:** Objection, I'd like the witness to be
15 able to finish answering.

16 **MR. MacKAY:** I'm going to ask him a question to
17 center that.

18 **MR. TRIPI:** He was answering a question.

19 **THE COURT:** Hang on.

20 He said mid. He --

21 The question was: So would that be fair to say that
22 you learned he's an informant later in 2013?

23 And the witness said: Correct. Well, mid --

24 **MR. TRIPI:** Sounded like there was going to be more
25 of the answer.

10:04AM 1 **THE COURT:** Well, you can ask that on --

10:04AM 2 **MR. TRIPI:** Okay.

10:04AM 3 **THE COURT:** -- redirect.

10:04AM 4 **MR. TRIPI:** Withdraw. Thank you.

10:04AM 5 **THE COURT:** Go ahead.

10:04AM 6 **BY MR. MacKAY:**

10:04AM 7 Q. So if we're talking mid 2013, would that be kind of after
10:04AM 8 the timeframe you start dealing back with Mark Kagan?

10:04AM 9 A. Correct.

10:04AM 10 Q. Okay. All right. Now, Mario Vacanti. Remind us, when
10:04AM 11 did you learn he's an informant?

10:04AM 12 A. No, Mario was not an informant.

10:04AM 13 Q. I'm sorry, yeah. Let me withdraw that.

10:04AM 14 When did you learn there was an investigation into Mario
10:05AM 15 Vacanti?

10:05AM 16 A. 2015.

10:05AM 17 Q. Okay. And again that comes through Mike Masecchia,
10:05AM 18 right?

10:05AM 19 A. Correct.

10:05AM 20 Q. And he tells you that Mario Vacanti is being investigated
10:05AM 21 for money laundering, correct?

10:05AM 22 A. Correct.

10:05AM 23 Q. And he provides some specific information about a person
10:05AM 24 whom Mario Vacanti is owed money by, correct?

10:05AM 25 A. Correct.

10:05AM 1 Q. And that was Paul Humphries, correct?

10:05AM 2 A. Correct.

10:05AM 3 Q. He says he owes him \$4,000, correct?

10:05AM 4 A. Correct.

10:05AM 5 Q. At that point in time, you didn't ask, like, how does
10:05AM 6 anybody know who owes money, correct?

10:05AM 7 A. Did I ask?

10:05AM 8 Q. Yeah.

10:05AM 9 A. No.

10:05AM 10 Q. Okay. You just took the information as sort of gospel
10:05AM 11 that he was being investigated, correct?

10:05AM 12 A. Correct.

10:05AM 13 Q. So this information -- oh, sorry. Now, you had been
10:05AM 14 dealing with Mario Vacanti for quite some time though,
10:05AM 15 correct?

10:05AM 16 A. A year. A little over a year.

10:05AM 17 Q. Yeah. So I want to talk about Mario.

10:05AM 18 Mario, you recall, he was arrested and charged in federal
10:06AM 19 court in about 2011, correct?

10:06AM 20 A. Correct.

10:06AM 21 Q. And then he ultimately pleads guilty, and do you recall
10:06AM 22 him being on supervised release into 2014?

10:06AM 23 A. I knew that he was on, at some point he was, but I didn't
10:06AM 24 know when I met him that he was still on supervised release.

10:06AM 25 Q. Okay. So if -- if -- when do you think you met Mario

1 Vacanti?

2 A. It was sometime in 2014.

3 Q. Okay. And then --

4 **MR. TRIPI:** I didn't hear that, I'm sorry.

5 **THE WITNESS:** Sometime in 2014.

6 **MR. TRIPI:** Thank you.

7 **BY MR. MacKAY:**

8 Q. Okay. And ultimately is it fair to say he becomes part
9 of your inner circle?

10 A. Correct.

11 Q. Okay. And he was a name you passed along to Mike
12 Masecchia to get to Joe Bongiovanni?

13 A. Correct.

14 Q. Now, and then again, you think it's sometime in 2015 that
15 you learn that there's an investigation into him, correct?

16 A. Correct.

17 Q. But after the -- and at that point in time, you backed
18 off your drug activity with him, correct?

19 A. Correct.

20 Q. But with Mario Vacanti, there was also a money-laundering
21 component, correct?

22 A. Correct.

23 Q. You laundered money for him, right?

24 A. Correct.

25 **THE COURT:** Could you pull the microphone a little

10:07AM 1 closer to you, Mr. Serio?

10:07AM 2 **THE WITNESS:** Oh, sorry.

10:07AM 3 **MR. MacKAY:** Sorry.

10:07AM 4 **BY MR. MacKAY:**

10:07AM 5 Q. The question was: You had laundered money for him,
10:07AM 6 correct?

10:07AM 7 A. Correct.

10:07AM 8 Q. And you did it by way of the trans -- purchase and
10:07AM 9 transfer of homes?

10:07AM 10 A. Correct.

10:07AM 11 Q. Trying to make that a shortened version of it, but you
10:07AM 12 cleaned the money by buying homes with him, correct?

10:07AM 13 A. Correct.

10:07AM 14 Q. And ultimately they get sold off, correct?

10:07AM 15 A. Correct.

10:07AM 16 Q. Now, after you hear that Mario Vacanti's under
10:07AM 17 investigation, you ceased drug-dealing activities with him?

10:07AM 18 A. Correct.

10:07AM 19 Q. But you still continue to deal with him throughout 2015
10:07AM 20 and 2016, correct?

10:07AM 21 A. I don't know about 2015 -- not 2015, I was still friends
10:07AM 22 with him and hung out with him a lot.

10:07AM 23 Q. Okay. But, so let's try to place this because we have
10:07AM 24 seasons here in Buffalo we can use.

10:07AM 25 When do you think, in the year of 2015, you learn that

10:07AM 1 Mario Vacanti is potentially under investigation?

10:07AM 2 A. It was either late spring, early summer.

10:08AM 3 Q. Getting towards mid --

10:08AM 4 A. Yeah, it was warm outside, I remember that.

10:08AM 5 Q. Okay. But after that point in time, you still have

10:08AM 6 substantial contact with Mario Vacanti, correct?

10:08AM 7 A. Yeah.

10:08AM 8 Q. Yeah. Would you have any reason to doubt me that, you

10:08AM 9 know, from November 2015 to September 2016, you had 165

10:08AM 10 telephone calls with him?

10:08AM 11 A. Correct.

10:08AM 12 Q. Okay. So you're still dealing with him in a

10:08AM 13 money-laundering component after the drug activity, correct?

10:08AM 14 A. Yeah, we were working on a property. Yes.

10:08AM 15 Q. Yeah, there were two properties ultimately that you deal

10:08AM 16 with him, correct?

10:08AM 17 A. Correct.

10:08AM 18 Q. It's 165 Wardman, correct?

10:08AM 19 A. Correct.

10:08AM 20 Q. And I think the other one is 180 North Park?

10:08AM 21 A. Correct.

10:08AM 22 Q. And were those, I mean, those were properties that

10:08AM 23 involved sort of the transfer of drug money in some fashion,

10:08AM 24 correct?

10:08AM 25 A. Correct.

10:08AM 1 Q. I mean, those were money-laundered properties, correct?

10:08AM 2 A. Correct.

10:08AM 3 Q. Now, you also told us about Gables bar and hearing some
10:09AM 4 information about what was going on there, correct?

10:09AM 5 A. Correct.

10:09AM 6 Q. Were you able, in any fashion, to date when that
10:09AM 7 happened?

10:09AM 8 A. I'm sorry, I didn't hear --

10:09AM 9 Q. Are you able to date when that happened at all?

10:09AM 10 A. Not specifically.

10:09AM 11 Q. Okay. Again, using some of the reference points, you
10:09AM 12 know, we've talked about different figures and things were
10:09AM 13 happening, can you tell us what it was before or after, by
10:09AM 14 any chance?

10:09AM 15 A. That, I can't remember.

10:09AM 16 Q. Okay. Do you think was closer in time to your arrest, or
10:09AM 17 closer in time to the beginning of your operations?

10:09AM 18 A. I would say midpoint.

10:09AM 19 Q. Okay.

10:09AM 20 A. 2013 to '15, somewhere in there.

10:09AM 21 Q. I guess, so if we're talking about, well, let's do it
10:09AM 22 this way.

10:09AM 23 We know in early 2013, you're out of the drug game for
10:09AM 24 first half of 2013, correct?

10:09AM 25 A. Correct.

10:09AM 1 Q. Do you think it was after that, or before that?

10:09AM 2 A. That was after that, I believe.

10:09AM 3 Q. Okay. Now, you learned information about an individual

10:09AM 4 named Steve who's a bartender there, correct?

10:09AM 5 A. Correct.

10:09AM 6 Q. I think you told us on direct, it really didn't mean much

10:09AM 7 to you because you didn't deal with these individuals,

10:10AM 8 correct?

10:10AM 9 A. Correct.

10:10AM 10 Q. I mean, you were -- did you grow up in North Buffalo?

10:10AM 11 A. In Tonawanda.

10:10AM 12 Q. Okay. But you owned a sub shop on Hertel Avenue for some

10:10AM 13 time?

10:10AM 14 A. Correct.

10:10AM 15 Q. I mean, fair to say you were familiar with the North

10:10AM 16 Buffalo neighborhood?

10:10AM 17 A. Yes.

10:10AM 18 Q. But you knew Mike Masecchia to have sort of a deeper

10:10AM 19 connection to North Buffalo, correct?

10:10AM 20 A. Correct.

10:10AM 21 Q. He had grown up there, correct?

10:10AM 22 A. Correct.

10:10AM 23 Q. Before he moved into your Huntington property, he

10:10AM 24 maintained a residence on Colvin Boulevard, correct?

10:10AM 25 A. Correct.

10:10AM 1 Q. That was 407 Colvin, correct?

10:10AM 2 A. I believe he lived in North Tonawanda for a long time. I
10:10AM 3 think on Colvin was earlier on.

10:10AM 4 Q. Okay. But you know he did maintain a residence on
10:10AM 5 Colvin, correct?

10:10AM 6 A. Yeah, at some point.

10:10AM 7 Q. Okay. You know, kind of, in the vicinity of, like,
10:10AM 8 Tacoma and Colvin?

10:10AM 9 A. Yes.

10:10AM 10 Q. Kind of if we're trying to give the jury a picture,
10:10AM 11 probably a -- one long block south of Hanna's Frosty Treats?

10:11AM 12 A. Sounds right.

10:11AM 13 Q. Okay. And that location where Mike Masecchia lived,
10:11AM 14 that's basically one long block and a short block over to
10:11AM 15 Gables bar, correct?

10:11AM 16 A. Correct.

10:11AM 17 Q. Gables is on Hertel, kind of just around the corner from
10:11AM 18 Colvin, correct?

10:11AM 19 A. Correct.

10:11AM 20 Q. And you knew Mike Masecchia throughout the years to
10:11AM 21 socialize in the North Buffalo neighborhood, correct?

10:11AM 22 A. Correct.

10:11AM 23 Q. That was kind of his area to go out, correct?

10:11AM 24 A. Correct.

10:11AM 25 Q. You know, his local watering holes were that

10:11AM 1 neighborhood, correct?

10:11AM 2 A. Correct.

10:11AM 3 Q. And you knew him to know a lot of people in North

10:11AM 4 Buffalo, correct?

10:11AM 5 A. Correct.

10:11AM 6 Q. So not only was he sort of a guy who was always out and

10:11AM 7 about in the North Buffalo area, but he was also a school

10:11AM 8 teacher in the City of Buffalo, correct?

10:11AM 9 A. Correct.

10:11AM 10 Q. Now, when Mike Masecchia told you this information about

10:11AM 11 Gables, he never told you specifically where he got it,

10:11AM 12 correct?

10:11AM 13 A. I was just assuming, correct.

10:11AM 14 Q. Yeah. So, I mean, so he never told you this was

10:12AM 15 information I got from Joe Bongiovanni, correct?

10:12AM 16 A. Correct.

10:12AM 17 Q. So as you sit here today, you don't know whether he

10:12AM 18 was just telling you neighborhood gossip, correct?

10:12AM 19 A. Correct.

10:12AM 20 Q. You don't know whether he actually learned that from the

10:12AM 21 individuals at Gables himself by going to that bar, correct?

10:12AM 22 A. Correct.

10:12AM 23 Q. Okay. Lou Selva. He's an individual that, for you, he

10:12AM 24 sort of comes into the picture about what time? 2008? 2009?

10:12AM 25 A. Correct.

10:12AM 1 Q. And how do you first get involved with him?

10:12AM 2 A. Through Mike.

10:12AM 3 Q. Okay. So, I just want to walk through that.

10:12AM 4 Your connection to Lou Selva is through Mike Masecchia,
10:12AM 5 correct?

10:12AM 6 A. Correct.

10:12AM 7 Q. When you met him, you understood him to have some
10:12AM 8 involvement with whatever Mike Masecchia was doing out in the
10:12AM 9 Southern Tier?

10:12AM 10 A. Correct.

10:12AM 11 Q. You didn't previously know Lou Selva in any fashion,
10:12AM 12 correct?

10:12AM 13 A. I mean, I met him a couple times. Like, I knew him, I
10:12AM 14 knew who he was, he knew who I was.

10:12AM 15 Q. Yeah. We put that in kind of the friends category?

10:13AM 16 A. Yeah.

10:13AM 17 Q. Or maybe even not friends, but just somebody from being
10:13AM 18 out and about?

10:13AM 19 A. Yeah, acquaintance.

10:13AM 20 Q. Now, you believed he was a coke head, correct?

10:13AM 21 A. Correct.

10:13AM 22 Q. And your understanding, again, of what Mike Masecchia
10:13AM 23 presented to this operation was he was gonna be the one who
10:13AM 24 talked to Mr. Bongiovanni and get the information, correct?

10:13AM 25 A. Lou was.

10:13AM 1 Q. Yes.

10:13AM 2 A. Correct.

10:13AM 3 Q. And he'd relay it to Mike Masecchia, correct?

10:13AM 4 A. Correct.

10:13AM 5 Q. Who would get it back to you, correct?

10:13AM 6 A. Correct.

10:13AM 7 Q. And now you understand Lou Selva to be Mike Mas -- I'm

10:13AM 8 sorry, to be Joe Bongiovanni's best friend, correct?

10:13AM 9 A. Correct.

10:13AM 10 Q. But again, just remind the jury, I think you said it on

10:13AM 11 direct, you never met Joe Bongiovanni, correct?

10:13AM 12 A. Correct.

10:13AM 13 Q. You were never -- there was never any situation where you

10:13AM 14 and he sat down, correct?

10:13AM 15 A. Correct.

10:13AM 16 Q. Never any situation where you, Mike Masecchia, and him

10:13AM 17 sat down, correct?

10:13AM 18 A. Correct.

10:13AM 19 Q. Same with you, Lou Selva, and Mr. Bongiovanni, you never

10:13AM 20 had any sort of sit-down, correct?

10:14AM 21 A. Correct.

10:14AM 22 Q. Now, at some point in time, Mr. Selva becomes involved in

10:14AM 23 the negotiations about the payments, correct?

10:14AM 24 A. Correct.

10:14AM 25 Q. In what fashion?

10:14AM 1 A. I really -- Mike -- it was between him and Mike. So, I
10:14AM 2 really didn't know too much about that.

10:14AM 3 Q. Okay. But I guess what I'm saying is that at some point
10:14AM 4 in time, there are discussions where -- between you and
10:14AM 5 Mr. Masecchia where Lou Selva is present, too, correct?

10:14AM 6 A. Correct.

10:14AM 7 Q. This would occur at the Western Door Steak House?

10:14AM 8 A. Correct.

10:14AM 9 Q. And that's in -- was that in context of sort of bumping
10:14AM 10 the payments up to \$4,000?

10:14AM 11 A. I believe so.

10:14AM 12 Q. And recall, if you can, what was Lou Selva sort of
10:14AM 13 bringing to the table in this conversation?

10:14AM 14 A. Just that, I mean, he really wasn't saying much.

10:14AM 15 Q. Okay. Again, Mike Masecchia is sort of the primary
10:14AM 16 negotiator in all this?

10:14AM 17 A. Correct.

10:14AM 18 Q. And but previous --

10:14AM 19 A. It really wasn't a negotiation. It was just him telling
10:14AM 20 me that it was going to be bumped up.

10:14AM 21 Q. Okay. So, yeah --

10:15AM 22 A. So it wasn't, like, hashing out details or anything. It
10:15AM 23 was just, all right, for 2,000 more, he'll take care of you.

10:15AM 24 Q. Okay. So at that point in time, Mike Masecchia is sort
10:15AM 25 of presenting you, I don't want to call it, like, a

10:15AM 1 take-it-or-leave-it offer, but he's saying this is what it's
10:15AM 2 gonna be now?
10:15AM 3 A. Yes.
10:15AM 4 Q. And at that point in time, I think we talked about this
10:15AM 5 on Friday, you had been paying Mike Masecchia for about a
10:15AM 6 year?
10:15AM 7 A. Correct.
10:15AM 8 Q. Because those start, I think you said, it was late 2010
10:15AM 9 the payments start?
10:15AM 10 A. Correct.
10:15AM 11 Q. And then they ramp up and sort of a year later when you
10:15AM 12 start dealing with Santiago Gale, correct?
10:15AM 13 A. Correct.
10:15AM 14 Q. So this information with Mike Masecchia, Lou Selva and
10:15AM 15 you, that all occurs late 2011 or so?
10:15AM 16 A. Fall. About fall 2011, I believe.
10:15AM 17 Q. Okay. In proximity to when you start dealing with
10:15AM 18 Santiago Gale?
10:15AM 19 A. Correct.
10:15AM 20 Q. Okay. Now, after you initially start the payments
10:16AM 21 through Mike Masecchia, you understood Lou Selva to still
10:16AM 22 have an ongoing part in the -- the grow operations that were
10:16AM 23 going on down in the Southern Tier, correct?
10:16AM 24 A. Correct.
10:16AM 25 Q. But going forward, I think if I understand you correctly,

10:16AM 1 you didn't really have hands-on dealings with those
10:16AM 2 operations down there, correct?
10:16AM 3 A. Correct.
10:16AM 4 Q. I think you said you clipped some plants at one point in
10:16AM 5 time, correct?
10:16AM 6 A. Correct.
10:16AM 7 Q. I think was that in about the 2009 timeframe?
10:16AM 8 A. Around then.
10:16AM 9 Q. But going forward, the only real connection you would
10:16AM 10 have to those activities was to purchase the marijuana once
10:16AM 11 it was done being grown, correct?
10:16AM 12 A. Correct.
10:16AM 13 Q. Now, moving forward, at some point in time you set up a
10:16AM 14 grow operation in Lou Selva's house, correct?
10:16AM 15 A. Correct.
10:16AM 16 Q. I think that's the one you told us takes about a couple
10:16AM 17 days, correct?
10:16AM 18 A. Correct.
10:16AM 19 Q. And then you really don't have any more specific dealings
10:16AM 20 with how that operation is being run, correct?
10:16AM 21 A. Correct.
10:16AM 22 Q. It's just another source of marijuana for you to take
10:17AM 23 when it's done, correct?
10:17AM 24 A. Correct.
10:17AM 25 Q. And then at some point in time in late 2016, about 15

1 pounds of the marijuana you were storing at Lou Selva's house
2 comes out missing, correct?

3 A. Correct.

4 Q. And, you know, your experience in the drug business is
5 oftentimes when things come up missing, you've been ripped
6 off, fair to say?

7 **MR. TRIPI:** Objection, speculation.

8 **THE COURT:** No, overruled.

9 **THE WITNESS:** I mean, in the business, yes. But also
10 it could have been my mistake, so I didn't make any
11 accusations.

12 **BY MR. MacKAY:**

13 Q. Okay. But as you sit here today, do you believe you were
14 ripped off?

15 A. It's questionable. I won't say for sure I was because,
16 like I said, it could have been my own mistake.

17 Q. Okay. Now, just to give the jury a street estimate,
18 15 pounds of marijuana, about how much is that worth at that
19 time?

20 A. At that time, about, yeah, \$30,000.

21 Q. After that point in time, you no longer dealt with Lou
22 Selva, correct?

23 A. Correct.

24 Q. No longer stored marijuana at his house, correct?

25 A. Correct.

10:18AM 1 Q. No longer had any direct dealings with him, correct?

10:18AM 2 A. Correct.

10:18AM 3 Q. However, just to be clear, the payments to Mike Masecchia
10:18AM 4 continue all the way up to the time of your arrest, correct?

10:18AM 5 A. Correct.

10:18AM 6 Q. So those payments are ongoing up in April of 2017,
10:18AM 7 correct?

10:18AM 8 A. Correct.

10:18AM 9 Q. But no further dealings with Lou Selva, correct?

10:18AM 10 A. Correct.

10:18AM 11 Q. Okay. I just want to go back to Mike Masecchia for a
10:18AM 12 second.

10:18AM 13 He's the one that initially proposes the payments to
10:18AM 14 Mr. Bongiovanni, correct?

10:18AM 15 A. Correct.

10:18AM 16 Q. Now, you purchased your Lebrun home in approximately
10:18AM 17 November of 2011?

10:18AM 18 A. Correct.

10:18AM 19 Q. And you spent about a year renovating that, correct?

10:18AM 20 A. Correct.

10:18AM 21 Q. Now at some point in time, you enter into sort of a
10:18AM 22 rent-to-own arrangement with Mike Masecchia?

10:18AM 23 A. Correct.

10:18AM 24 Q. Can you date that in terms of what I just talked about?

10:18AM 25 A. Sometime in 2012, I believe.

1 Q. Fair to say, like, after the Lebrun house is done and
2 after you're out of Huntington?

3 A. Oh, yes.

4 Q. Okay. So after you move out of Huntington, you rent that
5 to Mike Masecchia, correct?

6 A. Correct.

7 Q. With an understanding that the rent is going towards
8 ultimately --

9 A. The mortgage.

10 Q. -- the mortgage.

11 Yeah, can you describe that for the jury, how you set it
12 up?

13 A. So, I sold it to him for, I believe, \$400,000.

14 I owed 2-, around 2- or 220- on it. And he gave me
15 \$50,000 down. And I gave him a two-year time period to get a
16 mortgage, and then pay off the remaining -- the equity in the
17 house.

18 And at that time, he was just to pay the mortgage. And
19 then once he got the -- his own mortgage, then he would stop
20 paying it.

21 Q. But he ultimately never got a mortgage on that, correct?

22 A. Correct.

23 Q. And he ultimately didn't pay you, correct?

24 A. Correct.

25 Q. And you ultimately had to evict him from that property,

10:20AM 1 correct?

10:20AM 2 A. Yes.

10:20AM 3 Q. You also learned at some point that he bought a condo in
10:20AM 4 Florida?

10:20AM 5 A. Yes, sir.

10:20AM 6 Q. And did you learn that a substantial amount of cash was
10:20AM 7 found at the Huntington address -- I'm sorry, withdrawn.

10:20AM 8 Did you come to find out later that a substantial amount
10:20AM 9 of cash was found when he was arrested?

10:20AM 10 A. Correct.

10:20AM 11 Q. Okay. Now, you understood him to have some sort of
10:20AM 12 dealings in some fashion with Remus Nowak correct?

10:20AM 13 A. Correct.

10:20AM 14 Q. I'm using the term "dealings," but it's fair to say they
10:20AM 15 didn't -- it seemed to you like they didn't really like each
10:20AM 16 other, correct?

10:20AM 17 A. Correct.

10:20AM 18 Q. And you never really understood what that was about,
10:20AM 19 correct?

10:20AM 20 A. No. They had some dealings, and then all of a sudden he
10:20AM 21 didn't like him.

10:20AM 22 Q. Okay.

10:20AM 23 A. He really didn't elaborate into it.

10:20AM 24 Q. And when you said all of a sudden he didn't like him, did
10:20AM 25 that occur when you were dealing with Mr. Masecchia?

10:20AM

1 A. Correct.

10:20AM

2 Q. At some point in time when you and Mr. Masecchia are

10:20AM

3 dealing with each other, you understand there's a break with

10:20AM

4 Remus Nowak, correct?

10:21AM

5 A. Correct.

10:21AM

6 Q. And then moving forward in time with Remus Nowak, you

10:21AM

7 come to find out that potentially he lives next to your

10:21AM

8 friend Mark Falzone, correct?

10:21AM

9 A. Correct.

10:21AM

10 Q. And that comes up in a situation where Mike Masecchia

10:21AM

11 basically says I gotta get out of here because Remus lives

10:21AM

12 next door?

10:21AM

13 A. Correct.

10:21AM

14 Q. And that's kind of further down the line from when you

10:21AM

15 first knew Mr. Masecchia and Mr. Nowak were dealing with each

10:21AM

16 other, correct?

10:21AM

17 A. Correct.

10:21AM

18 Q. Okay. Now in all the years that you were paying

10:21AM

19 Mr. Masecchia, you were never provided with any sort of cover

10:21AM

20 story to use, correct?

10:21AM

21 A. Correct.

10:21AM

22 Q. You were never told any sort of excuse to use if law

10:21AM

23 enforcement talked to you, correct?

10:21AM

24 A. Correct.

10:21AM

25 Q. You were never given any sort of situation to portray

10:21AM 1 yourself as if law enforcement asked you about

10:21AM 2 Mr. Bongiovanni, correct?

10:21AM 3 A. Correct.

10:21AM 4 Q. And ultimately, when you're arrested in April of 2017,
10:21AM 5 you asked to see Joe Bongiovanni, correct?

10:21AM 6 A. Correct.

10:22AM 7 Q. And at that time, I think you describe you were pretty
10:22AM 8 pissed off about what happened, correct?

10:22AM 9 A. Correct.

10:22AM 10 Q. You had thought you had this protection, and here you
10:22AM 11 were being arrested, correct?

10:22AM 12 A. Correct.

10:22AM 13 Q. But then you're asked by the officer who you're talking
10:22AM 14 to, are you his informant, correct?

10:22AM 15 A. Correct.

10:22AM 16 Q. And just to be clear, that was not a cover story that you
10:22AM 17 were ever provided that you should invoke if -- if arrested,
10:22AM 18 correct?

10:22AM 19 A. Correct.

10:22AM 20 Q. All right. Paul Francoforte, he's a gambling buddy of
10:22AM 21 yours, correct?

10:22AM 22 A. Correct.

10:22AM 23 Q. He's not a drug associate in any fashion, correct?

10:22AM 24 A. Correct.

10:22AM 25 Q. You dealt with him -- strike that.

10:22AM 1 You met -- where did you meet him, at the casino?

10:22AM 2 A. At the casino.

10:22AM 3 Q. Just kind of sat down at a table, he happened to be
10:22AM 4 gambling next to you?

10:22AM 5 A. Correct.

10:22AM 6 Q. Kind of struck up a friendship as gamblers over the
10:22AM 7 years?

10:22AM 8 A. Yes. We also had mutual friends.

10:22AM 9 Q. Okay. So did that sort of facilitate talking and
10:23AM 10 becoming friends?

10:23AM 11 A. Yes.

10:23AM 12 Q. But through all your years dealing with Paul Francoforte,
10:23AM 13 he was only ever a gambling buddy, correct?

10:23AM 14 A. Correct.

10:23AM 15 Q. I mean, good enough friends though that you did go to the
10:23AM 16 Mohegan Sun for a tournament with him?

10:23AM 17 A. Correct.

10:23AM 18 Q. But again, he wasn't there for any drug-related behavior,
10:23AM 19 correct?

10:23AM 20 A. Correct.

10:23AM 21 Q. All right. So I want to go through some of the folks
10:23AM 22 that were in your inner circle.

10:23AM 23 Chris Baker, correct?

10:23AM 24 A. Correct.

10:23AM 25 Q. Jacob Martinez, correct?

10:23AM 1 A. Correct.

10:23AM 2 Q. Jay Campbell, correct?

10:23AM 3 A. Correct.

10:23AM 4 Q. Jimmy Rivera?

10:23AM 5 A. Correct.

10:23AM 6 Q. Jay Molecki?

10:23AM 7 A. Correct.

10:23AM 8 Q. Mike Hardick?

10:23AM 9 A. Well, he wasn't a drug associate, he worked for me.

10:23AM 10 Q. Okay. So -- so Mike Hardick is not a drug associate,

10:23AM 11 correct?

10:23AM 12 A. Correct.

10:23AM 13 Q. But he's involved in the real estate operations, correct?

10:23AM 14 A. Correct.

10:23AM 15 Q. Okay. And to be clear, is he ever involved in any of the

10:23AM 16 operations that you recall where you're flipping the houses

10:24AM 17 and using them as grow houses?

10:24AM 18 A. No, he was not.

10:24AM 19 Q. Okay. So he's really just a friend, correct?

10:24AM 20 A. Correct.

10:24AM 21 Q. And well, I said friend, but you also --

10:24AM 22 A. Employed him.

10:24AM 23 Q. He was an employee?

10:24AM 24 A. Correct.

10:24AM 25 Q. All right. Mike Moynihan, is he --

10:24AM 1 A. Yes.

10:24AM 2 Q. -- one of your associates?

10:24AM 3 A. Correct.

10:24AM 4 Q. Inner circle?

10:24AM 5 A. Yes.

10:24AM 6 Q. Anthony Greco?

10:24AM 7 A. Yes, correct.

10:24AM 8 Q. And Anthony Greco, you also had some dealings with some

10:24AM 9 of your opiates, correct?

10:24AM 10 A. Correct.

10:24AM 11 Q. You would buy and sell from each other when you needed

10:24AM 12 them?

10:24AM 13 A. Correct.

10:24AM 14 Q. Matt LoTempio?

10:24AM 15 A. Correct.

10:24AM 16 Q. Inner circle?

10:24AM 17 A. Yes.

10:24AM 18 Q. Okay. Anthony Mayo?

10:24AM 19 A. Yes.

10:24AM 20 Q. I think we talked about Mario Vacanti. But 2014, for a

10:24AM 21 while, he was part of your inner circle?

10:24AM 22 A. Yes.

10:24AM 23 Q. Okay. But not before 2014?

10:24AM 24 A. No, not before 2014.

10:24AM 25 Q. Because you wouldn't have met before then, correct?

10:24AM 1 A. Correct.

10:24AM 2 Q. Mark Falzone?

10:24AM 3 A. Yes.

10:24AM 4 Q. When I'm saying this, I'm saying he's inner circle?

10:25AM 5 A. Yes.

10:25AM 6 Q. Okay. Mike Buttitta?

10:25AM 7 A. I won't say inner circle, he was more of a friend. I

10:25AM 8 occasionally sold him marijuana, just small amounts.

10:25AM 9 Q. Okay. Let's explore that. So did he work at all with

10:25AM 10 your property businesses?

10:25AM 11 A. No.

10:25AM 12 Q. Okay. But he was not really a distributor for you?

10:25AM 13 A. He would take, like, a pound here and there.

10:25AM 14 Q. Okay. But not, like, when you say here and there, if you

10:25AM 15 had to estimate, how many times did you ever give him a

10:25AM 16 pound?

10:25AM 17 A. Maybe ten times.

10:25AM 18 Q. Okay. Was he ever a name that you passed to Mike

10:25AM 19 Masecchia to have looked out for?

10:25AM 20 A. I might have, but I'm not 100 percent sure.

10:25AM 21 Q. Okay. John Robinson, part of your inner circle?

10:25AM 22 A. Yes.

10:25AM 23 Q. He's a distributor for you?

10:25AM 24 A. Yes.

10:25AM 25 Q. Passed his name to Mike Masecchia?

10:25AM 1 A. Yes.

10:25AM 2 Q. Okay. T.S. Part of your inner circle?

10:25AM 3 A. Yes, at one point.

10:25AM 4 Q. Okay. And I think we went through it, but ultimately
10:25AM 5 there's a point in time, looks like we've got something on
10:25AM 6 the screen.

10:26AM 7 **MR. MacKAY:** I'm sorry, Judge, it looked like there
10:26AM 8 was an exhibit that popped up, I didn't know.

10:26AM 9 **THE CLERK:** It did not go to the jury.

10:26AM 10 **MR. TRIPI:** Sorry about that.

10:26AM 11 **THE CLERK:** That's okay, I shut it off.

10:26AM 12 **BY MR. MacKAY:**

10:26AM 13 Q. All right. So T.S., ultimately your relationship falls
10:26AM 14 off with him, correct?

10:26AM 15 A. Correct.

10:26AM 16 Q. And just to remind the jury, he wasn't really a source of
10:26AM 17 supply so much as just a plug to somebody else, correct?

10:26AM 18 A. Yes, he was in between.

10:26AM 19 Q. Right. So he hooks you up with Santiago Gale, correct?

10:26AM 20 A. Well, he was a go-between. I met with Santiago Gale
10:26AM 21 once, but he --

10:26AM 22 Q. But after --

10:26AM 23 A. -- dealt with Santiago.

10:26AM 24 Q. -- sort of the initial setup with Santiago Gale,
10:26AM 25 everything goes through T.S. for that source, correct?

10:26AM 1 A. Correct.

10:26AM 2 Q. And I think we talked about it, you never provided

10:26AM 3 Santiago Gale's name to Mike Masecchia, correct?

10:26AM 4 A. Correct.

10:26AM 5 Q. Do you recall providing T.S.'s name to Mike Masecchia?

10:27AM 6 A. Yes.

10:27AM 7 Q. Now at some point in time, you come to learn that T.S.

10:27AM 8 had been or was an informant, correct?

10:27AM 9 A. Correct.

10:27AM 10 Q. And approximately what timeframe did that occur?

10:27AM 11 A. I want to say late 2013.

10:27AM 12 Q. Okay. So, by that time, you're exclusively dealing with

10:27AM 13 the -- that's the Mark Kagan/Jarrett Guy timeframe, correct?

10:27AM 14 A. Correct.

10:27AM 15 Q. You had stopped dealing with T.S. quite some time before,

10:27AM 16 correct?

10:27AM 17 A. Correct.

10:27AM 18 Q. Okay. Because, again, you were out of the -- the drug

10:27AM 19 game after the Wayne Anderson arrest, correct?

10:27AM 20 A. Correct.

10:27AM 21 Q. Now, back when you were dealing with T.S., my question

10:27AM 22 was, did you -- you passed his name to Joe Bongiovanni to

10:27AM 23 look out for?

10:27AM 24 A. Correct.

10:27AM 25 Q. Okay. Now, you never came to learn that he had been a

10:27AM 1 source at that point in time when you passed the name,
10:27AM 2 correct?

10:27AM 3 A. Correct.

10:27AM 4 Q. It wasn't until much later that you hear that he's an
10:27AM 5 informant, correct?

10:27AM 6 A. Correct.

10:27AM 7 Q. So if you're dealing with T.S., I think did we establish
10:28AM 8 that's approximately 2011 to 2012?

10:28AM 9 A. Correct.

10:28AM 10 Q. And that's the timeframe you passed his name to Mike
10:28AM 11 Masecchia, correct?

10:28AM 12 A. Correct.

10:28AM 13 Q. But at that point in time, you never received any
10:28AM 14 information that he was actually a DEA confidential source
10:28AM 15 back in 2009, correct?

10:28AM 16 A. Correct.

10:28AM 17 Q. All right. Kelly Brace, he was the individual you were
10:28AM 18 ultimately arrested with, correct?

10:28AM 19 A. Correct.

10:28AM 20 Q. Part of your inner circle?

10:28AM 21 A. He was an associate, yes.

10:28AM 22 Q. He distributed for you, correct?

10:28AM 23 A. Yes.

10:28AM 24 Q. Passed his name to Mike Masecchia?

10:28AM 25 A. Yes.

10:28AM 1 Q. Okay. Dave Siwek, does that name have any meaning to
10:28AM 2 you?

10:28AM 3 A. No.

10:28AM 4 Q. Okay. How about Dave Mitchkay? Does that name have any
10:28AM 5 meaning to you?

10:28AM 6 A. Yes.

10:28AM 7 Q. Okay. Who was he?

10:28AM 8 A. He was a friend that I had a falling out with, but we did
10:28AM 9 heroin together.

10:28AM 10 Q. Okay. He was never, like, one of your distributors,
10:28AM 11 correct?

10:28AM 12 A. Correct.

10:28AM 13 Q. And when you -- with your drug use, I want to center
10:28AM 14 that. Dave Mitchkay, when were you doing heroin with him?

10:28AM 15 A. I believe it was 2014.

10:29AM 16 Q. Okay. And then ultimately you have this falling out, and
10:29AM 17 there's no more contact with Dave Mitchkay?

10:29AM 18 A. Correct.

10:29AM 19 Q. So he was only really ever a personal use -- somebody you
10:29AM 20 used personally with, correct?

10:29AM 21 A. Correct. Well, he used to get the heroin for me at some
10:29AM 22 point.

10:29AM 23 Q. Okay. But when we gets it for you, this is in
10:29AM 24 personal-use amounts, correct?

10:29AM 25 A. Correct.

10:29AM 1 Q. You didn't understand him to be like a distributor in
10:29AM 2 some fashion, correct?

10:29AM 3 A. No. Correct.

10:29AM 4 Q. He's not a source of supply for drugs?

10:29AM 5 A. Correct.

10:29AM 6 Q. And he's not a part of your inner circle, correct?

10:29AM 7 A. Correct.

10:29AM 8 Q. He's just somebody you would do drugs with for a period
10:29AM 9 of time, correct?

10:29AM 10 A. Correct.

10:29AM 11 Q. Okay. So, I went through a number of -- of names in the
10:29AM 12 inner circle. Those are the ones you passed to Mike
10:29AM 13 Masecchia, correct?

10:29AM 14 A. Correct.

10:29AM 15 Q. And you expected those to go to Joe Bongiovanni, correct?

10:29AM 16 A. Correct.

10:29AM 17 Q. Okay. David Oddo, he was not in your inner circle,
10:29AM 18 correct?

10:29AM 19 A. Correct.

10:29AM 20 Q. You did not like David Oddo, correct?

10:29AM 21 A. Correct.

10:29AM 22 Q. Why?

10:29AM 23 A. I just -- I met him once, and he was just an arrogant --
10:30AM 24 he just seemed like a jerk.

10:30AM 25 Q. And because of that, you didn't like him?

10:30AM 1 A. Correct.

10:30AM 2 Q. And -- and never dealt with him directly, correct?

10:30AM 3 A. Correct.

10:30AM 4 Q. Meaning that he was never a distributor for you, correct?

10:30AM 5 A. Correct.

10:30AM 6 Q. And you weren't buying drugs from him?

10:30AM 7 A. Correct.

10:30AM 8 Q. At some point in time though, you learned from Anthony

10:30AM 9 Gerace that Gerace might be getting drugs from him, correct?

10:30AM 10 A. Correct.

10:30AM 11 Q. But, again, you never dealt directly with David Oddo?

10:30AM 12 A. Correct.

10:30AM 13 Q. Jeremie Jones, do you even recognize that name?

10:30AM 14 A. Yes.

10:30AM 15 Q. Who do you recognize him as?

10:30AM 16 A. He was a drug dealer that was friends with Mike Piazza.

10:30AM 17 Q. Okay. But he was not part of your network, correct?

10:30AM 18 A. Correct.

10:30AM 19 Q. I mean, I think you told us on direct your ultimate goal

10:30AM 20 was to control all the marijuana trade in Buffalo?

10:30AM 21 A. Correct.

10:30AM 22 Q. But as you knew it, even while you were operating, there

10:30AM 23 were other drug networks in Buffalo that had been

10:30AM 24 established?

10:30AM 25 A. Correct.

10:31AM 1 Q. And you as a drug dealer knew who the other drug dealers
10:31AM 2 were, correct?

10:31AM 3 A. Correct.

10:31AM 4 Q. But so the jury understands, not all drug dealers deal
10:31AM 5 with each other?

10:31AM 6 A. Correct.

10:31AM 7 Q. There are sometimes rivalries between drug dealers,
10:31AM 8 correct?

10:31AM 9 A. Correct.

10:31AM 10 Q. For example, David Oddo, you didn't even have a rivalry
10:31AM 11 with him, correct?

10:31AM 12 A. Correct.

10:31AM 13 Q. You just didn't like the guy and stayed away from him,
10:31AM 14 correct?

10:31AM 15 A. Correct.

10:31AM 16 Q. Jeremie Jones was another drug dealer. Would you even
10:31AM 17 consider him a rival?

10:31AM 18 A. He sold to people that I knew, so somewhat.

10:31AM 19 Q. Okay. But he was not somebody's name you ever passed to
10:31AM 20 Mike Masecchia to look out for, correct?

10:31AM 21 A. Correct.

10:31AM 22 Q. Because he's not part of your network, correct?

10:31AM 23 A. Correct.

10:31AM 24 Q. Okay. The name Charles Butera, do you even know who that
10:31AM 25 person is?

10:31AM 1 A. No.

10:31AM 2 Q. That's not a name you passed to Mike Masecchia to give to
10:31AM 3 Joe Bongiovanni, correct?

10:31AM 4 A. Correct.

10:31AM 5 Q. Mike Sinatra, he was not part of your organization,
10:31AM 6 correct?

10:31AM 7 A. Correct.

10:31AM 8 Q. You knew who he was sort of in the -- I think you used
10:31AM 9 the term acquaintance?

10:31AM 10 A. I never -- I don't even know what he looks like. I never
10:32AM 11 met him. I just know that Anthony Gerace was friends with
10:32AM 12 him.

10:32AM 13 Q. Okay. So your sole dealings with Michael Sinatra, I
10:32AM 14 shouldn't even call them dealings, the only way you know
10:32AM 15 about Michael Sinatra is you know he was friends with Anthony
10:32AM 16 Gerace, correct?

10:32AM 17 A. Correct.

10:32AM 18 Q. He was never a name you passed to Mike Masecchia to have
10:32AM 19 looked out for, correct?

10:32AM 20 A. Correct.

10:32AM 21 Q. Because you're not dealing in any fashion in the drug
10:32AM 22 game with Michael Sinatra, correct?

10:32AM 23 A. Correct.

10:32AM 24 Q. Okay. So I want to finish up.

10:32AM 25 Now, I think you've described yourself at times as high

10:32AM 1 functioning when you were on substances, correct?

10:32AM 2 A. Correct.

10:32AM 3 Q. And you started using marijuana when you were young,

10:32AM 4 correct?

10:32AM 5 A. Correct.

10:32AM 6 Q. That escalated into use of cocaine, correct?

10:32AM 7 A. Correct.

10:32AM 8 Q. And ultimately, you get into opiates, correct?

10:32AM 9 A. Correct.

10:32AM 10 Q. Starts with heroin?

10:33AM 11 A. Excuse me?

10:33AM 12 Q. Does it start with heroin?

10:33AM 13 A. It starts with Lortabs.

10:33AM 14 Q. Okay. But when you couldn't get the opiates, you were
10:33AM 15 ultimately sort of filling in that gap with heroin, correct?

10:33AM 16 A. Correct.

10:33AM 17 Q. And now do you recall how much heroin were you using per
10:33AM 18 day if you couldn't get any pills?

10:33AM 19 A. Well, it escalated. I didn't start off using that much.
10:33AM 20 But towards the end, it was 2 to 3 grams a day.

10:33AM 21 Q. Now, and when your opiate use escalated, you were using
10:33AM 22 40 or more oxy pills a day, correct?

10:33AM 23 A. Correct.

10:33AM 24 Q. I think you told us at one point in time, you get a
10:33AM 25 shipment of about 16,000 pills from Jarrett Guy, correct?

10:33AM 1 A. It was four shipments over a period of time of 4,000.

10:33AM 2 Q. So 4 times 4, you ultimately get \$16,000 oxy pills from
10:33AM 3 Jarrett Guy?

10:33AM 4 A. Yes.

10:33AM 5 Q. And I think your testimony was you used about three
10:34AM 6 quarters of those?

10:34AM 7 A. Correct.

10:34AM 8 Q. And it would have been about a two-year timeframe?

10:34AM 9 A. Correct.

10:34AM 10 Q. So the math would be about 12,000 pills in two years?

10:34AM 11 A. Correct.

10:34AM 12 Q. But I think you've testified, though, that the way you
10:34AM 13 would balance your substance use is you would level yourself
10:34AM 14 out with cocaine, correct?

10:34AM 15 A. Correct.

10:34AM 16 Q. And I think it was your testimony that on the day of your
10:34AM 17 arrest, you had leveled yourself out before going to Kelly
10:34AM 18 Brace's house, correct?

10:34AM 19 A. Probably. I don't remember saying that, but --

10:34AM 20 Q. Yeah, well --

10:34AM 21 A. Yeah.

10:34AM 22 Q. -- rather than what you said, I'm asking what you did at
10:34AM 23 that point in time.

10:34AM 24 A. Well, I just woke up, so yeah, I did opiates.

10:34AM 25 **MR. MacKAY:** Okay. So for the witness only can we

show defense Exhibit W.

BY MR. MacKAY:

Q. Okay. Do you recognize that as a fair and accurate depiction of, sort of, your mugshot right after you're arrested?

A. Yes.

Q. Okay. And that's a fair and accurate depiction of what you looked like on your day of your arrest, correct?

A. Yes.

MR. MacKAY: Defense moves for admission of Defense Exhibit W.

MR. TRIPI: No objection.

THE COURT: Received without objection.

(DFT Exhibit W was received in evidence.)

MR. MacKAY: All right. And can we show that to the jury, Ms. Demma?

THE CLERK: You're all set.

BY MR. MacKAY:

Q. And, again, I'm not doing this to embarrass you or anything. I think you said you're now seven and a half years sober, correct?

A. Correct.

Q. And for what all of us do in this courtroom, that's quite remarkable. But, you know, fair to say you were at a very different state of mind at the time of your arrest, correct?

10:35AM 1 A. Correct.

10:35AM 2 Q. The worst day of your life, correct?

10:35AM 3 A. Yes.

10:35AM 4 Q. That kind of was the culmination of all the years of drug

10:35AM 5 use, correct?

10:35AM 6 A. Correct.

10:35AM 7 Q. And you had to work quite hard to turn that around to be

10:35AM 8 here as you sit here today, correct?

10:35AM 9 A. Correct.

10:35AM 10 Q. And you've also had a lot of time to go over what's

10:35AM 11 happened in your case, correct?

10:35AM 12 A. Correct.

10:35AM 13 Q. I mean, you've met with the government many times over

10:35AM 14 the years, correct?

10:35AM 15 A. Correct.

10:35AM 16 Q. And you've looked at a lot of in evidence in this case,

10:35AM 17 correct?

10:35AM 18 A. Correct.

10:35AM 19 Q. And you've, you know, had a chance to look back at what

10:35AM 20 happened, correct?

10:36AM 21 A. Correct.

10:36AM 22 Q. And as you sit here today, can you even say whether any

10:36AM 23 money you paid to Mike Masecchia got to Joe Bongiovanni?

10:36AM 24 A. Are you asking my personal opinion, or a fact?

10:36AM 25 Q. Yeah, as a fact, can you say that as you sit here today?

10:36AM 1 A. I cannot say that.

10:36AM 2 Q. Now your opinion, I think you've given it earlier, is
10:36AM 3 that you believed this all worked because you were never
10:36AM 4 arrested over those years, correct?

10:36AM 5 A. Correct.

10:36AM 6 Q. But you also, as you sit here today, don't know that it
10:36AM 7 wasn't dumb luck, correct?

10:36AM 8 A. Correct.

10:36AM 9 **MR. MacKAY:** Okay. Can I just have a moment,
10:36AM 10 Your Honor?

10:36AM 11 **THE COURT:** Sure.

10:36AM 12 **MR. MacKAY:** I have nothing further, Your Honor.

10:36AM 13 **THE COURT:** Any redirect?

10:36AM 14 **MR. TRIPI:** Yeah, I do. Can we get a brief
10:36AM 15 five-minute break, though, Judge? I apologize --

10:36AM 16 **THE COURT:** No, that's okay.

10:36AM 17 **MR. TRIPI:** -- I need a comfort break.

10:36AM 18 **THE COURT:** Yep. Yep. We will take our mid-morning
10:36AM 19 break now.

10:36AM 20 **MR. TRIPI:** I'm sorry about that.

10:36AM 21 **THE COURT:** No, that's not a problem. So we'll take
10:36AM 22 our mid-morning break now.

10:36AM 23 So please, folks, remember my instructions about not
10:36AM 24 communicating about the case even with each other, and not
10:37AM 25 making up your mind.

10:37AM 1 We'll see you back here in about ten or 15 minutes.

10:37AM 2 (Jury excused at 10:37 a.m.)

10:37AM 3 **THE COURT:** Anything for the record?

10:37AM 4 **MR. TRIPI:** No, Your Honor, thank you.

10:37AM 5 **THE COURT:** Anything for the record?

10:37AM 6 **MR. MacKAY:** No, Your Honor.

10:37AM 7 **THE COURT:** Okay. We'll see you in about ten or 15

10:37AM 8 minutes.

10:37AM 9 **THE CLERK:** All rise.

10:37AM 10 (Off the record at 10:37 a.m.)

10:37AM 11 (Back on the record at 10:50 a.m.)

10:50AM 12 (Jury not present.)

10:50AM 13 **THE CLERK:** All rise.

10:50AM 14 **THE COURT:** Please be seated.

10:50AM 15 **THE CLERK:** We are back on the record for the

10:50AM 16 continuation of the jury trial in case number 19-cr-227,

10:50AM 17 United States of America versus Joseph Bongiovanni.

10:50AM 18 All counsel and parties are present.

10:50AM 19 **THE COURT:** Okay. Are we ready?

10:50AM 20 **MR. TRIPI:** Yes, thanks.

10:50AM 21 **THE COURT:** Anything?

10:50AM 22 **MR. MacKAY:** No, Your Honor.

10:50AM 23 **THE COURT:** Let's bring them in, please.

10:50AM 24 We can bring the witness back in, as well.

10:51AM 25 (Jury seated at 10:51 a.m.)

1 **THE COURT:** The record will reflect that all our
2 jurors are again present.

3 I remind the witness that he's still under oath.

4 And, Mr. Tripi, you may begin your redirect.

5 **MR. TRIPI:** Thank you, Judge.

6
7 **REDIRECT EXAMINATION BY MR. TRIPI:**

8 Q. Good morning.

9 A. Good morning.

10 Q. Okay. I'd like to just pick up where Mr. MacKay maybe
11 started today, and then we'll go to some other areas, okay?

12 A. Okay.

13 Q. I think around beginning of the cross-examination today,
14 Mr. MacKay was asking you questions about timeframes. And
15 specifically timeframes, he asked you a question about after
16 the Wayne Anderson arrest. He asked you if you did a hard
17 stop to drug dealing for about six months, and then picked up
18 back in late 2013; do you remember that?

19 A. Yes.

20 Q. Okay. And by "hard stop," you understood him in this
21 courtroom to mean no drug dealing at all, right?

22 A. Yes.

23 Q. Okay. Back on March 7th, 2019, you did testify before a
24 federal grand jury; is that right?

25 A. Yes.

1 Q. And you were under oath, right?

2 A. Yes.

3 Q. And that was about, I don't know, five or so years ago,
4 right?

5 A. Yes.

6 Q. And you were asked questions in that grand jury under
7 oath about timeframes; do you remember that?

8 A. Yes.

9 Q. And regarding the timeframes surrounding the Wayne
10 Anderson direct, I'm directing counsel's attention to
11 Exhibit 3536M at page 57. We're going to be reviewing lines
12 2 through 6.

13 Were you asked this question, and did you give this
14 answer:

15 "And did you sell at all? Or did you just decrease the
16 amounts? What did you do?

17 "Answer: I decreased the amounts for, like, six months.
18 I didn't do anything, then I started selling a little bit
19 again, and just went back to it."

20 Were you asked that question, and did you give that
21 answer in grand jury?

22 A. Yes.

23 Q. Okay. So, now I'm going to circle back.

24 After Anderson's arrest, did you still have customers who
25 relied upon you?

10:53AM 1 A. Yes.

10:53AM 2 Q. Did you still have product?

10:53AM 3 A. Yes.

10:53AM 4 Q. When you talked about laying low, did that laying low

10:54AM 5 relate to receiving large interstate shipments?

10:54AM 6 A. Yes.

10:54AM 7 Q. So you didn't hard stop altogether, right?

10:54AM 8 A. Correct.

10:54AM 9 Q. Okay. All right. Now you were asked a whole bunch of

10:54AM 10 questions about the details of the operation and certain

10:54AM 11 specifics about what Mr. Bongiovanni, through Masecchia and

10:54AM 12 Selva, did or didn't tell you about; do you remember those

10:54AM 13 questions on cross?

10:54AM 14 A. Yes.

10:54AM 15 Q. Did you care much about the specifics about how the

10:54AM 16 defendant was keeping law enforcement away from you?

10:54AM 17 A. No.

10:54AM 18 Q. Did you care how he found out about Mario Vacanti's

10:54AM 19 investigation and that Paul Humphries was talking about him?

10:55AM 20 A. No.

10:55AM 21 Q. Did you care how he knew specifically that R.K. was an

10:55AM 22 informant?

10:55AM 23 A. No.

10:55AM 24 Q. Were you told R.K. was the defendant's informant?

10:55AM 25 A. Yes.

1 Q. Did that reassure you that R.K. was neutralized as a
2 threat to your organization?

3 A. Yes.

4 Q. Did you care how the defendant knew T.S. was an
5 informant?

6 A. No.

7 Q. Were you grateful to get that information?

8 A. Yes.

9 Q. Did you think that that information was worth the money
10 you were paying?

11 A. Yes.

12 Q. If the defendant was shutting down informants --
13 withdrawn?

14 Was the defendant shutting down informants, disclosing
15 their identity, and making sure they weren't harming your
16 organization the type of protection you were paying for?

17 A. Yes.

18 Q. When you get the information about R.K. and T.S., did it
19 prove to you that you were getting exactly what you paid for?

20 A. Yes.

21 Q. You were asked some questions about shipments. Did any
22 of the truckloads, of either U-Haul or tractor-trailers
23 intended for you, other than that one Wayne Anderson
24 shipment, so any of the Jarrett Guy trucks, U-Hauls and
25 trucks, did any of those truckloads ever get picked off?

10:56AM 1 A. No.

10:56AM 2 Q. Any of the U-Haul trucks ever get picked off?

10:56AM 3 A. No.

10:56AM 4 Q. Did any of the drivers ever get arrested?

10:56AM 5 A. No.

10:56AM 6 Q. Did you ever get stopped coming or going from New York to

10:56AM 7 pick up U-Hauls?

10:56AM 8 A. No.

10:56AM 9 Q. Did your warehouse at 82 Sycamore and 6 Michigan ever get

10:56AM 10 raided?

10:56AM 11 A. No.

10:56AM 12 Q. Did your Range Rover, before the Erie County Sheriffs and

10:56AM 13 FBI arrested you, did your Range Rover or any other vehicle

10:56AM 14 you ever had during the time period of this conspiracy ever

10:56AM 15 get stopped and searched?

10:56AM 16 A. Just at the border when I was crossing to gamble, but

10:56AM 17 besides that, no.

10:56AM 18 Q. Okay. Did anyone ever knock on your door at 697 Lebrun

10:56AM 19 and try to ask you questions?

10:56AM 20 A. No.

10:57AM 21 Q. Did the defendant ever come to your house and try to talk

10:57AM 22 to you?

10:57AM 23 A. No.

10:57AM 24 Q. Did Mark Falzone's house ever get raided?

10:57AM 25 A. No.

1 Q. Before Homeland Security and Special Agent Curtis Ryan,
2 who you're familiar with, searched Mike Masecchia's house,
3 prior to that, did Mike Masecchia's house ever get raided?

4 A. No.

5 Q. Before Special Agent Marilyn Halliday was part of the
6 search team Lou Selva's house, did his house ever get raided?

7 A. No.

8 Q. Did any of your phones ever get tapped?

9 A. Not to my knowledge.

10 Q. And you were never told that your phone was tapped,
11 right?

12 A. Correct.

13 Q. And that was information you were paying for, to get a
14 heads-up on that, right?

15 A. Yes.

16 Q. Was that all of the part of the protection you were
17 paying for from this defendant?

18 A. Yes.

19 Q. Are you convinced based upon all of those facts that you
20 were getting protection from the defendant?

21 A. Yes.

22 Q. Did you rely upon all of that in your day-to-day life?

23 A. Yes.

24 Q. Did it in fact allow you to become complacent and drive
25 around with pounds of marijuana in your vehicle, and over

10:58AM 1 \$20,000?

10:58AM 2 A. Yes.

10:58AM 3 Q. By 2017, were you pretty fearless?

10:58AM 4 A. Pretty much.

10:58AM 5 Q. Now, we talked about Wayne Anderson's arrest in November

10:58AM 6 of 2012. Did you provide phone numbers to Masecchia to pass

10:58AM 7 to Selva, and for Selva to give to Bongiovanni after Anderson

10:58AM 8 was arrested?

10:58AM 9 A. Yes.

10:58AM 10 Q. Is Wayne Anderson also friends with Anthony Gerace?

10:58AM 11 A. Yes.

10:58AM 12 Q. Did you want to make sure you, your phones, and your

10:58AM 13 close associates were okay?

10:58AM 14 A. Yes.

10:58AM 15 Q. Did you continue to pass numbers while you were dealing

10:58AM 16 with Jarrett Guy?

10:58AM 17 A. Yes.

10:58AM 18 Q. Was that window after Wayne Anderson was arrested a prime

10:58AM 19 time for you to pass numbers along to make sure everyone was

10:58AM 20 okay?

10:58AM 21 A. Yes.

10:58AM 22 Q. Was that the window when you were providing numbers for

10:58AM 23 this defendant to check on?

10:58AM 24 A. Yes.

10:58AM 25 Q. And as you estimated in your testimony last week, this

10:59AM 1 was in late 2012 going into 2013; is that right?

10:59AM 2 A. Correct.

10:59AM 3 Q. Now, back in '08, '09, when this whole thing was started,

10:59AM 4 and then leading into when your payments started in 2010 as

10:59AM 5 you've testified, did Masecchia tell you at that time the

10:59AM 6 defendant could find information out on the computer?

10:59AM 7 A. Yes.

10:59AM 8 Q. What did you understand that to mean?

10:59AM 9 A. That he had just some access to some database that he

10:59AM 10 could find out information.

10:59AM 11 Q. Was that good enough for you?

10:59AM 12 A. Yes.

10:59AM 13 Q. Did you care what the database was called?

10:59AM 14 A. No.

10:59AM 15 Q. Did you care how the defendant searched the database?

10:59AM 16 A. No.

10:59AM 17 Q. Did you care how the data was manipulated?

10:59AM 18 A. No.

10:59AM 19 Q. As time went on, it begins with you, Selva, and

10:59AM 20 Masecchia, but as time went on, did other members, close

11:00AM 21 members, friends and family, learn that the defendant was

11:00AM 22 providing information looking out for you?

11:00AM 23 A. Yes.

11:00AM 24 Q. Did that include your brother Tom?

11:00AM 25 A. Yes.

11:00AM 1 Q. Did that include your best friend Mark Falzone?

11:00AM 2 A. Yes.

11:00AM 3 Q. Did that include your wife Lauren?

11:00AM 4 A. Yes.

11:00AM 5 Q. Did that include your sister-in-law Adrian?

11:00AM 6 A. Yes.

11:00AM 7 Q. When you're up here and you're testifying about

11:00AM 8 timeframes, are you estimating to the best of your ability?

11:00AM 9 A. Yes.

11:00AM 10 Q. But are they just that, estimates?

11:00AM 11 A. Yes.

11:00AM 12 Q. Have you thought a lot about this case and done your best

11:00AM 13 to think about timeframes and be accurate for this jury?

11:00AM 14 A. Yes.

11:00AM 15 Q. Regardless of whether you're off a month or two here or

11:00AM 16 there, or even three or four months, did everything you said

11:00AM 17 happen --

11:00AM 18 A. Yes.

11:00AM 19 Q. -- during the course of this conspiracy that you were

11:00AM 20 paying the defendant?

11:00AM 21 A. Yes.

11:00AM 22 Q. Once you were rolling with Jarrett Guy, from 2013 on to

11:01AM 23 the end, did you move more product than ever?

11:01AM 24 A. Yes.

11:01AM 25 Q. Did you make more money than ever?

11:01AM 1 A. Yes.

11:01AM 2 Q. Did Masecchia make more money than ever?

11:01AM 3 A. Yes.

11:01AM 4 Q. Were you still dealing with Jarrett Guy in April of 2017?

11:01AM 5 A. Yes.

11:01AM 6 Q. Was Masecchia making at least \$240,000 or more dollars

11:01AM 7 per year with you?

11:01AM 8 A. Yes.

11:01AM 9 Q. How does that amount compare with any amount that he

11:01AM 10 would have stolen from you?

11:01AM 11 A. It wasn't worth it for him.

11:01AM 12 Q. What was his nickname for you?

11:01AM 13 A. Greenie.

11:01AM 14 Q. Is that because you were good at making money for the

11:01AM 15 group?

11:01AM 16 A. Yes.

11:01AM 17 Q. Now, you were asked questions about a guy named G.R. last

11:01AM 18 week, I think, by Mr. MacKay; do you remember that?

11:01AM 19 A. Yes.

11:01AM 20 Q. Now, during direct, and maybe during cross, you had

11:01AM 21 indicated that there were a number of informants' names,

11:01AM 22 maybe more than ten, passed to you, but some of them didn't

11:02AM 23 mean much to you because you weren't dealing with them; is

11:02AM 24 that right?

11:02AM 25 A. Correct.

1 Q. Now, your brother Tom and Mike Masecchia, did they have
2 their own relationship?

3 A. Not as close as mine and Mike's.

4 Q. Did they have an ability to speak to one another?

5 A. Yes.

6 Q. For example, when you went to Las Vegas with Masecchia,
7 that was you, Tom, and Mike, right?

8 A. Correct.

9 Q. They had each other's phone number?

10 A. Yes.

11 Q. Mike knew where Tom lived?

12 A. Yes.

13 Q. Tom knew where Mike lived?

14 A. Yes.

15 Q. Mike would come to your debt shop?

16 A. Occasionally.

17 Q. The point is, if Masecchia wanted to tell your brother
18 Tom something, he could meet with him directly; is that
19 right?

20 A. Yes.

21 **MR. MacKAY:** Objection, speculation.

22 **MR. TRIPI:** Common sense, Judge.

23 **THE COURT:** And you can make that common sense
24 argument to the jury.

25 **MR. TRIPI:** Sounds good.

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Q. Regarding -- I'd like to switch gears to Mark Vitale's arrest. Was your interest following that arrest to find out if Vitale talked about you, and if you were okay?

A. Yes.

Q. And what did you find out?

A. That I was okay.

Q. And how did you find it out?

A. Through Mike Masecchia.

Q. And what was your understanding of who Masecchia got the information from?

A. Joe Bongiovanni.

Q. Did Masecchia even know who Vitale was before you said, hey, a guy I sell to, Vitale, get arrested?

A. No.

Q. Is that normal in a drug conspiracy? Some people at the top sometimes don't know people at the bottom?

A. Correct.

Q. And Mike was at the top?

A. Yes.

Q. So I'd like to go through a number of people who were involved in some capacity in your drug organization, whether it be grows, trips to New York City, helping you unload, distribution, whatever it may be. Okay?

11:04AM 1 A. Yes.

11:04AM 2 Q. You were never arrested by this defendant, correct?

11:04AM 3 A. Correct.

11:04AM 4 Q. Your brother Tom was never arrested by this defendant?

11:04AM 5 A. Correct.

11:04AM 6 Q. How about Mike Masecchia?

11:04AM 7 A. Correct.

11:04AM 8 Q. No?

11:04AM 9 A. No. No, he wasn't.

11:04AM 10 Q. Lou Selva?

11:04AM 11 A. No.

11:04AM 12 Q. Joe Tomasello?

11:04AM 13 A. No.

11:04AM 14 Q. Wayne Anderson?

11:04AM 15 A. No.

11:04AM 16 Q. Sal Volpe?

11:04AM 17 A. No.

11:04AM 18 Q. Dave Hersey?

11:04AM 19 A. No.

11:04AM 20 Q. Mike Moynihan?

11:04AM 21 A. No.

11:04AM 22 Q. Mark Falzone?

11:04AM 23 A. No.

11:04AM 24 Q. John Robinson?

11:04AM 25 A. No.

11:04AM	1	Q. Adrian Fina?
11:04AM	2	A. No.
11:04AM	3	Q. Lauren Fina?
11:04AM	4	A. No.
11:04AM	5	Q. Paul Francoforte?
11:04AM	6	A. No.
11:04AM	7	Q. Mike Piazza?
11:04AM	8	A. No.
11:04AM	9	Q. Jimmy Rivera?
11:04AM	10	A. No.
11:04AM	11	Q. Mark Kagan?
11:04AM	12	A. No.
11:04AM	13	Q. T.S.?
11:04AM	14	A. No.
11:04AM	15	Q. Matt LoTempio?
11:04AM	16	A. No.
11:04AM	17	Q. Jarrett Guy?
11:04AM	18	A. No.
11:04AM	19	Q. Frank Burkhart?
11:04AM	20	A. No.
11:04AM	21	Q. Anthony Gerace?
11:04AM	22	A. No.
11:04AM	23	Q. Now even though he lives in Vancouver, Canada, Special
11:04AM	24	Agent Curtis Ryan tried to work on an investigation and get
11:04AM	25	to the point where he could arrest Jarrett Guy; is that

11:04AM 1 right?

11:04AM 2 A. Correct.

11:04AM 3 Q. As you understand it, were there some logistical issues

11:05AM 4 due to the fact that he's tucked away in Canada?

11:05AM 5 A. Correct.

11:05AM 6 Q. Did you help as much as you could?

11:05AM 7 A. Yes.

11:05AM 8 Q. That same list of people, did any of them ever come back

11:05AM 9 and say, hey, Defendant Bongiovanni -- Joe Bongiovanni at the

11:05AM 10 DEA tried to interview me?

11:05AM 11 A. No.

11:05AM 12 Q. Fast forward when Homeland Security in about 2020 tried

11:05AM 13 to interview Mark Falzone, did he come back and say I got

11:05AM 14 interviewed by Homeland Security?

11:06AM 15 A. Yes.

11:06AM 16 Q. You were told about the types of surveillance trucks that

11:06AM 17 the DEA and law enforcement use, do you remember that?

11:06AM 18 A. Yes.

11:06AM 19 Q. Did you ever notice any surveillance trucks setting up

11:06AM 20 outside your house on Lebrun?

11:06AM 21 A. No.

11:06AM 22 Q. Did you ever notice any surveillance trucks sitting

11:06AM 23 outside your warehouse at 608 Michigan and 82 Sycamore?

11:06AM 24 A. No.

11:06AM 25 Q. Did you ever notice any surveillance around Mark

1 Falzone's house?

2 A. No.

3 Q. Those were all places that had drug activity from 2008

4 all the way up before the sheriffs arrested you, correct?

5 A. Correct.

6 Q. Now you remember on direct, you had mentioned that most

7 times when you went to 82 Sycamore or 6 Michigan, not all the

8 time but most times, it was something drug related; is that

9 fair to say?

10 A. Yes.

11 Q. Is that accurate?

12 A. Yes.

13 Q. Okay. So if you were to do the math, June 2013 is a

14 little more than six months after Wayne Anderson was arrested

15 in November of 2012, right?

16 A. Yes.

17 Q. And based upon the fact that most times you go there are

18 drug related, if you were observed in June of 2013 at

19 82 Sycamore, is it likely you would have been involved in

20 drug activity at that time?

21 A. Yes.

22 **MR. MacKAY:** Objection. Assumes a fact not in

23 evidence.

24 **MR. TRIPI:** I'm asking about his own personal --

25 **THE COURT:** No, no, no. Hang on. Hang on.

1 I'm going to sustain the objection to the form of the
2 question because I -- that's a very complex question. So he
3 can --

4 **BY MR. TRIPI:**

5 Q. In June of 2013, when you went to 82 Sycamore, were you
6 involved in drug activity there?

7 A. Yes.

8 Q. In June of 2013, were you taking loads of drugs that had
9 been delivered there?

10 A. Yes.

11 Q. In the event you were observed by DEA on surveillance,
12 were you involved in drug activity in June of 2013 at

13 82 Sycamore?

14 A. Yes.

15 **MR. MacKAY:** Objection.

16 **MR. TRIPI:** I'm asking him what he was involved in.

17 **THE COURT:** Sustained. No, no, no. You asked him
18 that. That's a different question. Sustained.

19 And the jury will strike the answer to the question
20 that I sustained the answer to earlier.

21 **BY MR. TRIPI:**

22 Q. Just because this is muddled, in June of 2013 at 82
23 Sycamore, were you involved in drug activity?

24 A. Yes.

25 Q. In June of 2013, were you getting shipments from Jarrett

11:08AM 1 Guy?

11:08AM 2 A. Yes.

11:08AM 3 Q. And that's more than six months after Wayne Anderson was

11:08AM 4 arrested, even if you laid low for a bit, right?

11:08AM 5 A. Yes.

11:08AM 6 Q. You were asked about some -- there was some discussion

11:09AM 7 today I think about mail couriers -- we'll drop the use of

11:09AM 8 the term "courier" -- some one or two packages that Jarrett

11:09AM 9 Guy mailed to a hotel got -- the person who went to pick up

11:09AM 10 the marijuana got arrested; is that right?

11:09AM 11 A. Correct.

11:09AM 12 Q. Okay. Now, the way the drug operation was set up, did

11:09AM 13 you know the true name of the person going to pick up the

11:09AM 14 packages?

11:09AM 15 A. No.

11:09AM 16 Q. The way your dealings with Jarrett Guy was set up, did

11:09AM 17 the person going to pick up the package know it was intended

11:09AM 18 for you?

11:09AM 19 A. No.

11:09AM 20 Q. Is that an important way of how a large-scale

11:09AM 21 distribution operation like yours operates?

11:09AM 22 A. Yes.

11:09AM 23 Q. Explain that for the jury.

11:09AM 24 A. Well, everything's a need-to-know basis. You usually

11:09AM 25 don't use your real names or anything like that, in case

1 something like that happens, the person receiving the package
2 wouldn't be able to identify me.

3 Q. So in that context, in that situation, where the people
4 who didn't know you and didn't know the marijuana was
5 intended for you got arrested, was there any need for you to
6 run and tell Masecchia to inform Bongiovanni about that?

7 A. No.

8 Q. Explain why not.

9 A. Because there was an agreement between the supplier and
10 the people receiving it. And I didn't know their names, and
11 they didn't know mine, so there was no reason for it.

12 Q. So the risk was on Jarrett Guy's end, not yours?

13 A. Correct.

14 Q. Is that sort of consistent with your initial decision to
15 proffer with the government and try to point all of the
16 direction towards Jarrett Guy --

17 A. Yes.

18 Q. -- and protect yourself and the people you were directly
19 dealing with in your organization?

20 A. Yes.

21 Q. You were asked some questions today about Anthony Gerace;
22 do you remember those?

23 A. Yes.

24 Q. And during a response to one of the questions, I think
25 you said you were asked about Anthony Gerace proffering; do

11:11AM 1 you remember that question by Mr. MacKay?

11:11AM 2 A. Yes.

11:11AM 3 Q. And I think you said later, after I dealt with Anthony,

11:11AM 4 Masecchia told you that Anthony Gerace had proffered; do you

11:11AM 5 remember that?

11:11AM 6 A. Yes.

11:11AM 7 Q. Was that closer in time to your arrest when you learned

11:11AM 8 that?

11:11AM 9 A. It was kind of after I started dealing with him, because

11:11AM 10 Mike was not happy about it.

11:11AM 11 Q. So 2016 timeframe?

11:11AM 12 A. Correct.

11:11AM 13 Q. Now, do you remember -- do you recall that Wayne

11:11AM 14 Anderson -- do you recall being informed that Wayne Anderson

11:12AM 15 had told Masecchia not to worry because Anthony didn't talk

11:12AM 16 about anyone you guys cared about?

11:12AM 17 **MR. MacKAY:** Objection to hearsay.

11:12AM 18 **MR. TRIPI:** This would be 801(d)(2)(E), Your Honor.

11:12AM 19 And they opened the door.

11:12AM 20 **THE COURT:** Yes. Overruled.

11:12AM 21 **THE WITNESS:** Yes.

11:12AM 22 **BY MR. TRIPI:**

11:12AM 23 Q. Okay. So there's a discussion between you and Masecchia.

11:12AM 24 And Masecchia tells you about Anthony proffering.

11:12AM 25 And who's the one, you or Masecchia, that talks about the

11:12AM 1 fact that Anderson passed along that Anthony didn't talk
11:12AM 2 about anyone you guys cared about?

11:12AM 3 A. Was it -- I'm sorry, I don't understand the --

11:12AM 4 Q. Who said, you or Masecchia, who said that Wayne Anderson
11:12AM 5 had advised that Anthony didn't talk about anyone you guys
11:12AM 6 would care about?

11:12AM 7 A. I believe Mike did.

11:12AM 8 Q. Mike told you that?

11:12AM 9 A. Yes.

11:12AM 10 Q. And Anthony and Wayne Anderson are friends?

11:12AM 11 A. Yes.

11:12AM 12 Q. And Anthony was involved in your organization?

11:13AM 13 A. Yes.

11:13AM 14 Q. Even though Mike wasn't happy about that?

11:13AM 15 A. Correct.

11:13AM 16 Q. It happened anyway?

11:13AM 17 A. Yes.

11:13AM 18 Q. Did you and Mike have a big fight about it, or just a
11:13AM 19 discussion?

11:13AM 20 A. Just a discussion.

11:13AM 21 Q. Is not talking about anyone you really cared about what
11:13AM 22 you were trying to do in your initial proffer when you talked
11:13AM 23 about Jarrett Guy to the exclusion of Masecchia, Bongiovanni,
11:13AM 24 Selva, Anthony Gerace, Mark Falzone, John Robinson, and
11:13AM 25 others?

11:13AM 1 A. Yes.

11:13AM 2 Q. When you told Vacanti about the Paul Humphries

11:14AM 3 information, did Vacanti cut Paul Humphries out?

11:14AM 4 A. Yes.

11:14AM 5 Q. Did that satisfy you?

11:14AM 6 A. Yes.

11:14AM 7 Q. Did you keep dealing with Vacanti after that?

11:14AM 8 A. Eventually. We kind of stopped for a little bit, but

11:14AM 9 eventually I started dealing with him again.

11:14AM 10 Q. How long did you take a break from him for?

11:14AM 11 A. Probably, I'd be estimating, six months.

11:14AM 12 Q. Okay. When you estimate six months, could it be four?

11:14AM 13 Could it be eight?

11:14AM 14 A. Yes.

11:14AM 15 Q. Okay. Mr. MacKay asked you some questions about, you

11:14AM 16 know, the amount of people Masecchia knows in North Buffalo,

11:14AM 17 and it was in the context of questions about Gables and

11:14AM 18 Steven Brucato and Joe Mesi; do you remember that?

11:15AM 19 A. Yes.

11:15AM 20 Q. Masecchia didn't work at the DEA, correct?

11:15AM 21 A. Correct.

11:15AM 22 Q. The defendant did?

11:15AM 23 A. Yes.

11:15AM 24 Q. Random bartenders and people in North Buffalo other than

11:15AM 25 the defendant didn't work at the DEA?

11:15AM 1 A. Correct.

11:15AM 2 Q. Mr. MacKay said -- asked you a question about not dealing
11:15AM 3 with Lou Selva after the -- after the 50 pounds of marijuana
11:15AM 4 came up missing at his house in late 2016; do you remember
11:15AM 5 that?

11:15AM 6 A. Yes.

11:15AM 7 Q. I just want to define that. Does that simply mean you
11:15AM 8 stopped storing marijuana there?

11:15AM 9 A. Yes.

11:15AM 10 Q. Lou Selva was still involved in the bribery and passing
11:15AM 11 information; is that correct?

11:16AM 12 A. Correct.

11:16AM 13 Q. You were asked questions about ultimately evicting Mike
11:16AM 14 Masecchia from 125 Huntington; do you remember those
11:16AM 15 questions?

11:16AM 16 A. Yes.

11:16AM 17 Q. Was that eviction process consummated years after you
11:16AM 18 were arrested?

11:16AM 19 A. Yes.

11:16AM 20 Q. Was that after you were cooperating against Masecchia?

11:16AM 21 A. Yes.

11:16AM 22 Q. Was that after it was clear to you that you were gonna be
11:16AM 23 sitting here some day maybe talking about Mike Masecchia?

11:16AM 24 A. Yes.

11:16AM 25 Q. Did that have any bearing on any of the realtime

1 decisionmaking that happened prior to your arrest?

2 A. No.

3 Q. You were asked the question by Mr. MacKay, and he said
4 now you were never given a cover story that you were the
5 defendant's C.I., you were never given that cover story to
6 tell; do you remember that question?

7 A. Yes.

8 Q. Based upon your experience and participation in the
9 conspiracy, would a story that you were Joe's C.I. work if
10 the defendant was pretending to investigate you guys?

11 **MR. MacKAY:** Objection.

12 **THE COURT:** Sustained.

13 **BY MR. TRIPI:**

14 Q. Do you know if Masecchia or Anthony Gerace, who had his
15 own relationship with Bongiovanni as you've talked about,
16 ever passed other names to Bongiovanni?

17 **MR. MacKAY:** Objection. Calls for speculation.

18 **THE COURT:** No, the question is does he know.

19 **BY MR. TRIPI:**

20 Q. Do you know one way or the other?

21 A. No, I don't.

22 Q. You said you had mutual friends with Paul Francoforte.
23 Who were those mutual friends?

24 A. Frank Parisi, Angelo Natali.

25 Q. From gambling, did you know Francoforte to also be

11:18AM 1 friends with Todaro Sr.?

11:18AM 2 A. Yes.

11:18AM 3 Q. And what was Todaro's Sr.'s reputation? Remind the jury.

11:18AM 4 A. That he was the leader of the Italian Mafia.

11:18AM 5 Q. Okay. In discussing your inner circle, Mr. MacKay

11:18AM 6 mentioned a name that I don't think I asked you about,

11:18AM 7 Anthony Greco?

11:18AM 8 A. Yes.

11:18AM 9 **MR. TRIPI:** Ms. Champoux, can we pull up Government

11:18AM 10 Exhibit 8A at page 194, please.

11:18AM 11 **BY MR. TRIPI:**

11:18AM 12 Q. There's a name Michael Greco there. Is that person

11:18AM 13 related to Anthony Greco?

11:18AM 14 A. I don't know.

11:19AM 15 **MR. TRIPI:** You can take that down.

11:19AM 16 **BY MR. TRIPI:**

11:19AM 17 Q. Do you know Mike Greco?

11:19AM 18 A. No. Anthony has a brother, I'm not sure what his name

11:19AM 19 is, though.

11:19AM 20 Q. And in your experience in the drug trade, sometimes

11:19AM 21 people register phones in other people's names?

11:19AM 22 A. Yes.

11:19AM 23 Q. You did that with Chris Baker, right?

11:19AM 24 A. Yes.

11:19AM 25 Q. You were asked questions about whether you liked David

11:19AM 1 Oddo or not, right?

11:19AM 2 A. Yes.

11:19AM 3 Q. Whether you liked him or not, was he Anthony Gerace's

11:19AM 4 cocaine supplier?

11:19AM 5 A. Yes.

11:19AM 6 Q. What year did you learn that, approximately?

11:19AM 7 A. I want to say it was 2015.

11:19AM 8 Q. Was it your understanding that Oddo and Gerace had had a

11:19AM 9 long-standing relationship?

11:19AM 10 A. Yes.

11:19AM 11 Q. You were asked about Jeremie Jones; do you remember that?

11:20AM 12 A. Yes.

11:20AM 13 Q. And I think you said he was a drug dealer that was

11:20AM 14 friends with Mike Piazza?

11:20AM 15 A. Yes.

11:20AM 16 Q. Was Mike Piazza the one who introduced you to Mark Kagan?

11:20AM 17 A. Yes.

11:20AM 18 Q. Was Mark Kagan the one that introduced you to Jarrett

11:20AM 19 Guy?

11:20AM 20 A. Yes.

11:20AM 21 Q. Was Mark Kagan the one who supplied you with a portion of

11:20AM 22 marijuana for a time?

11:20AM 23 A. Yes.

11:20AM 24 Q. So through the nexus from Piazza to Kagan to Jarrett Guy,

11:20AM 25 Jeremie Jones had some connection to your network, correct?

11:20AM 1 A. Yes.

11:20AM 2 Q. If Jeremie Jones were on a wiretap with Mike Piazza, is
11:20AM 3 there a chance that you might be caught on a wiretap?

11:20AM 4 **MR. MacKAY:** Objection.

11:20AM 5 **THE COURT:** Sustained.

11:20AM 6 **BY MR. TRIPI:**

11:20AM 7 Q. Did you talk to Mike Piazza on the phone?

11:20AM 8 A. Yes.

11:20AM 9 Q. Mike Piazza's friends with Jeremie Jones, yes?

11:20AM 10 A. Yes.

11:20AM 11 Q. Are you following that math?

11:20AM 12 A. Yes.

11:20AM 13 Q. Was Michael Sinatra good friends with Anthony Gerace?

11:20AM 14 A. Yes.

11:20AM 15 Q. Anthony Gerace was part of your network?

11:21AM 16 A. Yes.

11:21AM 17 Q. Is that the same math with Jeremie Jones and Mike Piazza?

11:21AM 18 A. Yes.

11:21AM 19 Q. They put a picture up of you much heavier and in much
11:21AM 20 worse condition, right?

11:21AM 21 A. Yes.

11:21AM 22 Q. Were you still a good businessman back then?

11:21AM 23 A. Yes.

11:21AM 24 Q. Did you pay attention to details back then?

11:21AM 25 A. Yes.

11:21AM 1 Q. Do you believe your mind's even clearer now?

11:21AM 2 A. Yes.

11:21AM 3 Q. Have you done your best to tell this jury everything

11:21AM 4 truthful to the best of your ability?

11:21AM 5 A. Yes.

11:21AM 6 Q. Was a single person ever associated with your

11:21AM 7 organization arrested or interviewed by this defendant?

11:21AM 8 A. No.

11:21AM 9 Q. Was a single location associated with your operation and

11:21AM 10 Masecchia's operation ever searched by this defendant?

11:21AM 11 A. No.

11:21AM 12 Q. To your knowledge, not a single phone was tapped,

11:21AM 13 correct?

11:21AM 14 A. Correct.

11:21AM 15 Q. Not a single truck pulled over?

11:21AM 16 A. Correct.

11:21AM 17 Q. Not a single load seized, other than Wayne Anderson's

11:22AM 18 shipment?

11:22AM 19 A. Correct.

11:22AM 20 Q. And you did you understand that to be seized by the state

11:22AM 21 police?

11:22AM 22 A. Yes.

11:22AM 23 Q. Not the DEA?

11:22AM 24 A. Correct.

11:22AM 25 Q. During the time were bribing the defendant, were multiple

1 informants identified and disclosed to you?

2 A. Yes.

3 Q. Is that because, in fact, the defendant was protecting
4 you?

5 A. Yes.

6 **MR. MacKAY:** Objection.

7 **THE COURT:** Sustained.

8 **BY MR. TRIPI:**

9 Q. Is that the protection you were paying for?

10 A. Yes.

11 Q. And who were you paying it for?

12 A. For Joe Bongiovanni.

13 **MR. TRIPI:** I have nothing further, Judge.

14 **THE COURT:** Mr. MacKay?

15

16 **RECROSS-EXAMINATION BY MR. MacKAY:**

17 Q. All right. Mr. Serio, so we talked a little bit about
18 the 2013 timeframe, and whether you were doing things or not
19 during that timeframe, correct?

20 A. Correct.

21 Q. And in response to my questions, I asked you whether
22 there was a hard stop on drug activity, and you said no --
23 you said there was, correct?

24 A. Correct.

25 Q. And then Mr. Tripi asked you some questions, and you

11:23AM 1 walked that back a little bit, correct?

11:23AM 2 A. Correct. I was also -- there's a lot to remember, so
11:23AM 3 sometimes I make mistakes.

11:23AM 4 Q. There is. And is it fair to say that when I walked you
11:23AM 5 through questions, I talked about events that have occurred
11:23AM 6 in order, correct?

11:23AM 7 A. Correct.

11:23AM 8 Q. I'm not raising my voice here to you, am I?

11:23AM 9 A. No.

11:23AM 10 Q. I don't control any recommendation that you get in
11:23AM 11 response to your sentencing, correct?

11:23AM 12 A. Correct.

11:23AM 13 Q. Meaning that when you go to be sentenced, one component
11:23AM 14 of the recommendation of jail time you get comes from the
11:23AM 15 government, correct?

11:23AM 16 A. I believe so.

11:23AM 17 Q. Although, ultimately, your sentencing judge controls what
11:23AM 18 you get, correct?

11:23AM 19 A. Correct.

11:23AM 20 Q. All right. So, you were asked some questions on redirect
11:23AM 21 about Anthony Gerace and who he might know; do you remember
11:23AM 22 that?

11:23AM 23 A. Yes.

11:23AM 24 Q. You never made it a point to look out for Anthony
11:23AM 25 Gerace's friends through your connection to Joe Bongiovanni,

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1 correct?

2 A. Correct.

3 Q. Okay. Now, you were asked some questions about

4 connections to your network, for example, that Jeremie Jones

5 might have, correct?

6 A. Correct.

7 Q. I mean, do you understand that to be somebody could be

8 calling somebody, could be calling somebody, could be calling

9 somebody, could be calling you?

10 A. Correct.

11 Q. Okay. So, but you have no dealings with Jeremie Jones,

12 correct?

13 A. Correct.

14 Q. Okay. Now, you talked about an eviction process with

15 Mike Masecchia. That was finalized after your arrest,

16 correct?

17 A. Correct.

18 Q. But that was the culmination of him not paying for years

19 though, correct?

20 A. Correct.

21 Q. Okay. Now, you were asked about the folks at Gables at

22 the bar, and you learned that there was an investigation,

23 correct?

24 A. Correct.

25 Q. Do you know, in fact, that several of those individuals

11:24AM 1 were arrested in early 20 -- I'm sorry, late 2011?

11:24AM 2 A. I don't know.

11:24AM 3 Q. Okay. So as you sit here today, you can't say whether

11:24AM 4 Mike Masecchia asked one of those individuals, and he was

11:24AM 5 told that they were by -- by those individuals themselves

11:24AM 6 that they were arrested?

11:24AM 7 A. Correct.

11:24AM 8 Q. Okay. Do you understand my question?

11:25AM 9 A. Yes.

11:25AM 10 Q. Yeah. You can't rule out that Mike Masecchia just asked

11:25AM 11 these guys, and they said he was arrested?

11:25AM 12 A. Correct.

11:25AM 13 Q. And then he passed that information back to you in the

11:25AM 14 guise of there's an investigation on these guys, correct?

11:25AM 15 A. Correct.

11:25AM 16 Q. But Mike Masecchia did not like Anthony Gerace, correct?

11:25AM 17 A. Correct.

11:25AM 18 Q. Do you really know as you sit here why?

11:25AM 19 A. Not particularly.

11:25AM 20 Q. Okay. But at some point in time he tells you Mario --

11:25AM 21 somebody's cooperating -- I'm sorry -- there's an

11:25AM 22 investigation into Mario Vacanti, correct?

11:25AM 23 A. Correct.

11:25AM 24 Q. You talked a little bit about some packages sort of

11:25AM 25 getting clipped out of the process when the people going to

1 pick them up were arrested, correct?

2 A. Correct.

3 Q. Ultimately, and the way this works so the jury

4 understands, is packages get mailed to a location and

5 somebody goes to pick them up, correct?

6 A. Correct.

7 Q. And ultimately, they have to get back to you in some

8 fashion, correct?

9 A. Correct.

10 Q. So, you know, even if it's passed through several people,

11 ultimately the person picking up the drugs in Buffalo has to

12 pass it to somebody to get to you, correct?

13 A. Correct.

14 Q. Now you never provided the names of any of these folks to

15 Mr. Masecchia to look out for, correct?

16 A. Correct.

17 Q. You didn't provide the times of these shipments, correct?

18 A. Correct.

19 Q. You didn't provide the expected dates of any shipment,

20 correct?

21 A. Correct.

22 Q. Okay. Now, and I think Mr. Tripi asked you some

23 questions about June 2013, about whether there was drug

24 activity at 82 Sycamore and the 608 Michigan location; do you

25 remember that?

11:26AM 1 A. Yes.

11:26AM 2 Q. At that point in time, you're just starting to get back

11:26AM 3 in with Mark Kagan, correct?

11:26AM 4 A. Correct.

11:26AM 5 Q. You had not taken any shipments or any sort of large

11:26AM 6 deliveries prior to that, correct?

11:26AM 7 A. Correct.

11:26AM 8 Q. And these shipments, though, they were not coming to the

11:26AM 9 82 Sycamore, 608 Michigan warehouse, correct?

11:26AM 10 A. Not directly.

11:26AM 11 Q. Okay.

11:26AM 12 A. I pick it up, and then I would bring it there.

11:26AM 13 Q. But you wouldn't store it there, correct?

11:27AM 14 A. Correct.

11:27AM 15 Q. It was never there for very long, correct?

11:27AM 16 A. Correct.

11:27AM 17 Q. Ultimately, the location they end up back in was the 697

11:27AM 18 Lebrun, correct?

11:27AM 19 A. Correct.

11:27AM 20 Q. And these were shipments through the mail at that point

11:27AM 21 in time, correct?

11:27AM 22 A. No.

11:27AM 23 Q. At --

11:27AM 24 A. For 82 Sycamore?

11:27AM 25 Q. Yeah.

11:27AM 1 A. No, that would be if I went and picked up -- so they
11:27AM 2 would drive U-Haul, I would go pick up the U-Haul, and then I
11:27AM 3 would bring it to 82 Sycamore.

11:27AM 4 Q. Okay. So I want to get that timeline correct, because
11:27AM 5 what you told me on cross was when you -- when you start back
11:27AM 6 up with Mark Kagan it's through the mail, correct?

11:27AM 7 A. I don't specifically remember that.

11:27AM 8 Q. Okay. Well, that's what I'm trying to get to. When you
11:27AM 9 go back with Mark Kagan after your time off from the Wayne
11:27AM 10 Anderson arrest --

11:27AM 11 A. Yes, well it was a variety of ways.

11:27AM 12 Q. Okay.

11:27AM 13 A. It wasn't just one specific way every time.

11:27AM 14 Q. Okay. Well, again, I want to separate it. The
11:27AM 15 tractor-trailers come later, correct?

11:27AM 16 A. Yes, that's correct.

11:27AM 17 Q. And I guess what I thought we talked about on cross was
11:27AM 18 before the tractor-trailers, there were U-Haul trucks,
11:28AM 19 correct?

11:28AM 20 A. Correct.

11:28AM 21 Q. And I thought what we talked about was before the U-Haul
11:28AM 22 trucks, there were packages in the mail, correct?

11:28AM 23 A. Correct.

11:28AM 24 Q. Okay. So that's what I'm trying to get at, is the summer
11:28AM 25 of 2013 that's still exclusively the mail, correct?

11:28AM 1 A. I can't say for sure.

11:28AM 2 Q. Okay. But you really haven't started many of the U-Haul

11:28AM 3 shipments, correct?

11:28AM 4 A. Yeah, there wouldn't have been a lot of them.

11:28AM 5 Q. Okay. Now you were asked about a meeting or a trip out

11:28AM 6 to Las Vegas with your brother and Mike Masecchia, correct?

11:28AM 7 A. Correct.

11:28AM 8 Q. That was not drug related, correct?

11:28AM 9 A. Correct.

11:28AM 10 Q. That was because you guys were all involved in the debt

11:28AM 11 collection industry, correct?

11:28AM 12 A. Correct.

11:28AM 13 Q. There's an annual sort of debt collection conference out

11:28AM 14 there, correct?

11:28AM 15 A. Correct.

11:28AM 16 Q. Now Mr. Tripi asked you some questions about your brother

11:28AM 17 in dealings with Michael Masecchia, do you remember those?

11:28AM 18 A. Yes.

11:28AM 19 Q. Fair to say they had some dealings in the debt collection

11:28AM 20 business, correct?

11:28AM 21 Well, yeah, what do you explain what, if any, connection

11:29AM 22 they had?

11:29AM 23 A. Well, in the debt collection, Mike Masecchia knew Marty

11:29AM 24 Mazzara. We went out to Vegas with my brother, Mike

11:29AM 25 Masecchia and myself to talk to talk to Marty Mazzara.

11:29AM 1 Q. Is Marty, in this industry, a debt buyer?

11:29AM 2 A. Correct.

11:29AM 3 Q. Okay. And what that means is that, well, just explain

11:29AM 4 what a debt buyer means for a debt collection agency and how

11:29AM 5 that all works, that relationship?

11:29AM 6 A. Somebody buys the debt from the banks for pennies on the

11:29AM 7 dollar, and then they resell it to people that collect on it.

11:29AM 8 Q. Okay. So when you were dealing with the stuff out in

11:29AM 9 Vegas with Mazzara, that's all debt collection stuff,

11:29AM 10 correct?

11:29AM 11 A. Correct.

11:29AM 12 Q. It's not drug related, correct?

11:29AM 13 A. Yes.

11:29AM 14 Q. Okay. You know, as you understood it, in all these

11:29AM 15 years, you were the only person who had a direct route to Joe

11:29AM 16 Bongiovanni through payments, correct?

11:29AM 17 A. Correct.

11:29AM 18 Q. You know, your brother never came to you and said, hey,

11:29AM 19 by the way, I learned information separately, correct?

11:29AM 20 A. Correct.

11:29AM 21 Q. Okay. So we talked about the 2013 timeframe. And I

11:30AM 22 think in response to Mr. Tripi's redirect questions, you said

11:30AM 23 you weren't receiving any large shipments in early 2013,

11:30AM 24 correct?

11:30AM 25 A. Correct.

11:30AM 1 Q. You were in a -- and this is where I compared you said
11:30AM 2 you had done a hard stop, correct?

11:30AM 3 A. Correct.

11:30AM 4 Q. Is it fair to say in that time period you were really
11:30AM 5 just getting rid of what you had?

11:30AM 6 A. I would get small shipments, I believe. I really don't
11:30AM 7 remember too much with that.

11:30AM 8 Q. Okay. But who would you have been getting the shipments
11:30AM 9 from in early 2013 if you hadn't hooked back up with Mark
11:30AM 10 Kagan?

11:30AM 11 A. Well, Jacob Martinez would also get marijuana
11:30AM 12 occasionally, too.

11:30AM 13 Q. Okay. So these are kind of like some of your --
11:30AM 14 withdrawn.

11:30AM 15 Some of the folks you dealt with had their own sources of
11:30AM 16 supply, correct?

11:30AM 17 A. Correct.

11:30AM 18 Q. I think you talked about, you know, sometimes there would
11:30AM 19 be this mutual exchange, correct?

11:30AM 20 A. Correct.

11:30AM 21 Q. You know, maybe if somebody had it, you would get it from
11:30AM 22 them or vice versa, correct?

11:30AM 23 A. Correct.

11:30AM 24 Q. That's all that's really going on kind of after the Wayne
11:30AM 25 Anderson arrest, correct?

11:30AM 1 A. Correct.

11:30AM 2 Q. We're talking small amounts, correct?

11:30AM 3 A. Correct.

11:31AM 4 Q. But I think the term Mr. Tripi used was the prime, quote,
11:31AM 5 unquote, prime time after Wayne Anderson's arrest when you
11:31AM 6 would have given a lot of numbers, you said?

11:31AM 7 A. Yes.

11:31AM 8 Q. Okay. But actually, I mean, the time you ramp up your
11:31AM 9 organization of payments, that comes about a year earlier,
11:31AM 10 correct?

11:31AM 11 A. Correct.

11:31AM 12 Q. And, you know, it's your testimony, though, that
11:31AM 13 throughout all of the years you were providing numbers,
11:31AM 14 correct?

11:31AM 15 A. Correct.

11:31AM 16 Q. Okay. And T.S., he was a number you provided back in
11:31AM 17 2011, correct?

11:31AM 18 A. Correct.

11:31AM 19 Q. That's, you know, again, just to orient you, that's the
11:31AM 20 time you're dealing with Santiago Gale, correct?

11:31AM 21 A. Correct.

11:31AM 22 **MR. MacKAY:** Okay. Ms. Champoux, can we show
11:31AM 23 Government Exhibit 16.

11:31AM 24 Can we blow up the top part.

25

Gerace. Do you know of your own personal knowledge whether or not someone else paid the defendant to protect Gerace and his family?

A. No.

Q. As to your sentence, ultimately is that up to your sentencing judge, Judge Sinatra?

A. Yes.

Q. Is it your understanding he could have access to all of your testimony --

A. Yes.

Q. -- and review it and determine the appropriate sentence?

A. Correct.

Q. It's not up to me?

A. Correct.

MR. TRIPI: Okay. I have nothing further.

THE COURT: Anything more.

MR. MacKAY: No, Your Honor.

THE COURT: Okay. You can step down, sir. Thank you.

THE WITNESS: Thank you.

(Witness excused at 11:35 a.m.)

(Excerpt concluded at 11:35 a.m.)

* * * * *

CERTIFICATE OF REPORTER

In accordance with 28, U.S.C., 753(b), I
certify that these original notes are a true and correct
record of proceedings in the United States District Court for
the Western District of New York on September 23, 2024.

s/ Ann M. Sawyer

Ann M. Sawyer, FCRR, RPR, CRR
Official Court Reporter
U.S.D.C., W.D.N.Y.

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SEPTEMBER 23, 2024

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